

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56687 of 2024**

Arising Out of PS. Case No.-66 Year-2023 Thana- MAHILA P.S BAGHA District- West  
Champaran

=====

Shiv Bin son of Shambhu Bin Village- W.No-, Kailash Nagar Ps- Bagaha  
Patkhauli Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amrita Devi wife Kanaheya Yadav Village- W.No-4, Kailashnagar Ps-  
Bagaha Dist- West Champaran

... .. Opposite Party/s

=====

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Umesh Kumar Gupta, Advocate |
| For the Opposite Party/s | : | Mr. Pramod Kumar Pandey, APP    |
| For the Informant        | : | Mr. Vishal Prasad, Advocate     |

=====

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      23-10-2024                      Heard Mr. Umesh Kumar Gupta, learned counsel for  
  
the petitioner and Mr. Vishal Prasad representing the informant  
  
as also the State.

2. The petitioner is in custody in connection with  
Bagaha Mahila P.S. Case No. 66 of 2023 for the offence  
punishable under sections 363, 366(A), 341, 323, 452 and 34 of  
the Indian Penal Code and Section 4 and 8 of the POCSO Act  
lodged on 11.11.2023 by the informant, Amrita Devi.

3. As per the prosecution story, the informant alleged  
that she alongwith her husband stays at Ludhiana while the  
children used to live in Bagaha. On the fateful night, while the  
minor daughter and son were sleeping, the accused



persons/family members of this petitioner took away the minor girl. Upon Knowledge when they were approached, assured that the girl will return but nothing happened which resulted into the FIR.

4. As the story unfolds, the girl returned and she made her statement under Section 164 of the Cr.P.C. according to which, though minor, she went on her own, tied nuptial knot with the petitioner and on the day, the 164 Cr.P.C. statement was taken (30.12.2023), she was pregnant. She has denied any force/abuse on the part of the petitioner and/or his family members.

5. Learned counsel for the informant submits that the girl being minor, the petitioner does not deserve bail.

6. Learned counsel for the petitioner on the other hand submits that on the day, the statement was taken, she was pregnant, the petitioner has already married to the girl, has remained in custody since 30.12.2023 (paragraph-20 of the petition) and do not have any criminal antecedent.

7. Taking into account the aforesaid submissions as also the fact that the victim girl went on her own, they are living conjugal life, has remained in custody since 30.12.2023 and do not have any criminal antecedent, this Court is inclined to



extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-VII, cum Special Judge (POCSO), West Champaran, Bettiah, in connection with Bagaha Mahila P.S. Case No. 66 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty  
to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

Adnan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

