

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56818 of 2024

Arising Out of PS. Case No.-903 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Raju Kumar Son of Late Deocharan Paswan R/V- VILLAGE- PANAPUR
LANGA, P.S.- HAJIPUR SADAR, DISTT.- VAISHALI AT HAJIPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. NILAM DEVI WIFE OF DHARMENDRA KUMAR RAJAK R/V-
VILLAGE- PANAPUR LANGA, WARD NO. 7, P.S.- HAJIPUR SADAR,
DISTT.- VAISHALI AT HAJIPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sachin Kumar, Advocate
For the State	:	Mr. Khurshid Anwar, A.P.P.
For the Informant	:	Mr. Jyoti Ranjan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

- 3 26-10-2024 Heard learned Counsel for the petitioner, learned
Counsel for the Informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Hajipur Sadar P.S. Case No. 903 of 2023, registered for the alleged offences under Sections 363, 366(A) of the Indian Penal Code and subsequently added Section 17 of POCSO Act.

3. As per prosecution case, the daughter of the informant went to the market and did not return. Thereafter, on search by the informant, she came to know that the petitioner along with his associate has taken her away.

4. Learned Counsel for the petitioner submits that the



petitioner has been falsely implicated in this case merely on suspicion. The F.I.R. has been lodged after four days without any satisfactory explanation. The victim girl was recovered by police from Jaipur where the petitioner was not with the girl. The statement of the victim girl was recorded under Section 164 of the Cr.P.C. wherein she stated that nobody has kidnapped her. She further stated that after scolding by her mother, she left her house, went to Jaipur and started working there in a packaging company. Learned Counsel for the petitioner further submits that the age of the victim girl having mentioned in the F.I.R. to be 17 years and she is a girl of sufficient maturity. The petitioner is in custody since 28.02.2024 and charge-sheet has been submitted. The petitioner is having criminal antecedent of two cases of different nature.

5. The learned A.P.P. as well as learned Counsel for the Informant opposes the submission made on behalf of the petitioner.

6. Learned Counsel for the Informant submits that the victim girl is minor and her consent is immaterial.

7. Having regard to the facts and circumstances and submissions made hereinabove and considering the statement of the victim girl recorded under Section 164 of the Cr.P.C.,



considering her age at which a girl of this age develops sufficient maturity and also considering the age of the petitioner, submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 903 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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