

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61507 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- CHEWARA District- Sheikhpura

Ritesh Kumar S/O Rampravesh Mahto Resident of Village- Basant, P.S.-
Chewara, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjeet Paswan S/O Late Baban Paswan R/O Village- Chewara, P.S.-
Chewara, Dist.- Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sheo Nandan Prasad, Advocate
For the Opposite Party/s	:	Ms.Usha Kumari 1, APP
For the informant	:	Mrs. Sarita Kumari, Advocae

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-11-2024 Heard Mr. Sheo Nandan Prasad, learned counsel for

the petitioner and Mrs. Sarita Kumari, representing the

informant.

2. The petitioner is in judicial custody in connection
with Chewara P.S. Case No. 30 of 2024 for the offence
punishable under Sections 366A, 34 of the Indian Penal Code
and 08 of POCSO Act and 3(i) (r) (s) of SC/ST Act lodged on
22.04.2024 by the informant, Ranjeet Paswan.

3. As per the prosecution story, the informant
alleged that the petitioner who is a married person took his
minor daughter away and when they approached the family,
abused. This led to the FIR.

4. Subsequently, the Police picked up both the



petitioner as also the victim girl and though in her statement under section 161 of the Cr.P.C., she narrated to have left the parents home to Bangaluru and stayed alongwith the petitioner on her own, later, she retracted her statement under section 164 of the Cr.P.C. alleged rape which resulted into charge-sheet submitted under section 376 of the IPC.

5. It is the case of the petitioner that though he is married, fell in love with the girl, she went on her own, if granted permission would like to own her, in any case, chargesheet having been submitted, in case, granted relief, he shall be diligently appearing in trial. The last submission is that he is in custody since 09.05.2024 (para-22 of the petition).

6. Learned counsel for the informant, Mrs. Sarita Kumari on the other hand opposed the prayer submitting that despite being married person, he took away the minor girl and when returned, she was seven weeks' pregnant.

7. Having gone through the facts of the case, it is unfortunate that the petitioner despite being a married person and blessed with two child, went into this relationship with the minor girl and she also became pregnant, fully realizing that the same is not a valid marriage in the eyes of law, however, taking into account the fact that he has a family with two



children, has no criminal antecedent, is in custody since 09.05.2024 and an undertaking has been given that he shall be diligently appearing in trial, 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) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-cum Exclusive Special Judge (POCSO), Sheikhpura, in connection with Chewara P.S. Case No. 30 of 2024 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 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 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)

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