

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60387 of 2024

Arising Out of PS. Case No.-196 Year-2024 Thana- SONEPUR District- Saran

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Sujit Kumar @ Sujeet Kumar S/o Laxman Rai R/O-Mallpakar P.S-Bidupur
Dist-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Sonpur P.S. Case No. 196 of 2024, registered
for the offence punishable under Section 366A/34 of the Indian
Penal Code.

3. The allegation against the petitioner is of enticing
away the minor daughter of the informant.

4. Adverting to the FIR, learned Advocate for the
petitioner contended that the alleged occurrence is said to have
taken place on 08.03.2024, but surprisingly the present FIR has
been instituted on 09.03.2024. During the course of
investigation, the statement of the victim was recorded under
Section 164 of the Cr.P.C., wherein, she has categorically stated



that she was in love with the petitioner and as she was quite upset by the torture being meted to her by her parents; she left the house and solemnized marriage and went to Hyderabad. Later on, when she came to know that the police is making pressure upon the family members of the boy and, in the meantime, she was apprehended by the police along with the petitioner. Drawing the attention of this Court to the statement of the victim recorded under Section 164 Cr.P.C, it is contended that even if the allegation taken to be true, there is neither any element of inducement or force used by the petitioner for the wrongful act. The allegation, even if taken to be true, can hardly constitute an offence under Section 363 of the Indian Penal Code, which is bailable in nature. Irrespective of the fact that the victim was a minor one, but she has not even whispered that the petitioner has tried to establish physical relationship. Moreover, the police during the course of investigation has neither found the case true under any of the penal provisions of the POCSO Act or added any other penal offences of the IPC, much less under Section 376 of the IPC. The petitioner bears fair antecedent and he undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the FIR also disclosed that the petitioner used to threaten the informant and others and the statement of the victim also discloses that she went along with the petitioner and solemnized marriage.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 Cr.P.C., wherein, she has not even whispered about any inducement or force used by the petitioner, coupled with the fact that during the course of investigation, the Investigation Officer has not found any case under any of the penal provisions of the POCSO Act. The investigation being complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran in connection with Sonpur P.S. Case No. 196 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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