

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63489 of 2024

Arising Out of PS. Case No.-700 Year-2023 Thana- SAUR BAZAR District- Saharsa

Rahul Kumar Son Of Bibhishan Choudhary Village -BHADA, Ward No. 3,
P.S.- Saurbazar, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Victim X Daughter of Domi Choudhary Village- Chikni utarwari Tola, Ward no. 6, Ps- Saur Bazar Dist- Saharsa Presently Residing at Village- Bhada, Ward no. 3, Ps- Saurbazar, Dist- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Maslehuddin Ashraf, Advocate
		Ms. Homa Yunus, Advocate
For the Opposite Party/s	:	Mr. Anita Kumari, APP
For the Informant	:	Ms. Beauty Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner Mr. S.M. Ashraf duly assisted by Ms. Homa Yunus, learned APP as also Ms. Beauty Verma representing the informant.

2. The petitioner is in judicial custody in connection with Saurbazar P.S. Case No. 700 of 2023 for the offence punishable under Sections 363, 365, 366-A, 120-B of POCSO Act lodged on 12.11.2023 by the informant, Domi Chaudhary.

3. As per the prosecution story, the informant alleged that when his daughter was on way home, kidnapped by Rahul Kumar. Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that they



are family members of Rahul Kumar, mother, father and brothers. Further, the girl appeared and made statement under Section 164 of the Cr.P.C. in which, she narrated the ordeal that her father wanted to get her married with a man having five children for the consideration amount of Rs. 2,00,000/- and she having no option, escaped and subsequently married to Rahul Kumar on 07.11.2023.

5. Though, learned APP opposes the prayer for bail, learned counsel appearing on behalf of the informant submits that subsequently, the marriage has taken place between the petitioner and the victim girl, and presently she is staying with her in laws.

6. Considering the aforesaid submission put forward by the parties as also the fact that is 25 years of age having no criminal antecedent and he is in custody since 01.07.2024(Para 05 of the petition), this Court is inclined to extend him the privilege of bail.

7. 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 Special Judge, POCSO, Saharsa in connection with Saurbazar P.S. Case No. 700 of 2023 subject to the following conditions:



(i) One of the bailor should be the family member 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 witness or tamper the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(iv) 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)

Ankit Kumar/-

U		T	
---	--	---	--

