

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70262 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- AGIAON District- Bhojpur

Manoranjana Paswan, Son of Manoj Paswan @ Manoj Ram, R/o-Village-
Paharpur, P.S.-Agiaon(G), District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soniya Devi, Wife of Ram Prakash Sah, Resident of Village- Paharpur, P.S.-
Agion (G), Distt.- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Agiaon (Garhani) P.S. Case No. 71 of 2024
registered for the offences punishable under Sections 366A and
120B of the Indian Penal Code and Sections 7 and 8 of the
POCSO Act.

3. The prosecution case is based on a complaint filed
by the complainant-informant alleging therein that on
30.06.2023, her daughter went to High School but she did not
return. Despite her best efforts, she could not find her.
Subsequently, she came to know that this petitioner has enticed



away her minor daughter for the purposes of marriage. When the informant went to the house of the petitioner and narrated the entire incidence to his family members, she was assured that her daughter would be returned.

4. Learned counsel for the petitioner contended that admittedly the alleged occurrence took place on 30.06.2023 and, for the first time, the complaint has been filed on 01.12.2023 which was sent to the concerned police station under Section 156(3) of the CrPC and, later on, the present FIR has been instituted. Learned counsel for the petitioner drew the attention of this Court to the impugned order and made his submission that the victim girl categorically stated in her statement recorded under Section 164 CrPC that she voluntarily left her home and solemnized marriage with the petitioner. The couple also blessed with a baby child. In such circumstances, keeping the petitioner behind the bar would serve no further purpose, inasmuch as the petitioner is also a man of tender age having fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the FIR has been instituted under Section 366A of the Indian Penal Code and Sections 7 and 8 of the POCSO Act and, as such, at least notice is required. It is further contended that the victim was a minor



girl on the alleged date of occurrence and her consent has no meaning in the eyes of law.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the complaint/FIR, despite knowing the fact that the petitioner has allegedly enticed away the daughter of the informant, coupled with the statement of the victim, wherein she has not made any allegation against the petitioner of either any inducement or subjected to force or seduce to illicit intercourse with another person; moreover, the investigation of the crime is complete and the charge-sheet has been submitted and the petitioner is also aged about 19 years and now he has been incarcerated since 27.07.2024, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Court, POCSO, Bhojpur at Ara in connection with Agiaon (Garhani) P.S. Case No. 71 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.

(Harish Kumar, J)

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