

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69346 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- DHORAIYA District- Banka

Sonu Kumar Son of Arbind Mandal Residng of Village Mathurapur, P.S
-Dhoraiya, District -Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi Wife of Dashrath Kapri Resident of Village Mathurapur, P.S
-Dhoraiya, District -Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Dhoraiya P.S. Case No. 109 of 2024, registered on 02.04.2024 for the alleged offences under Sections 363, 366A/34 of the Indian Penal Code and Sections 8/12 of POCSO Act.

3. As per prosecution case, the petitioner and other co-accused persons kidnapped the minor daughter of the informant on 23.03.2024 and subsequently the informant came to know that the petitioner has solemnized marriage with her minor daughter.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The victim girl herself went with the petitioner as there has been love affair between two and out of sweet will she solemnized marriage with the petitioner and this fact is apparent from the statement which she gave in the learned trial court under Section 164 Cr.P.C. Learned counsel further submits that the FIR has been registered after much delay and there is no explanation for the same. The petitioner is aged about 25 years having no criminal antecedent and the victim girl has not levelled any allegation of sexual exploitation against the petitioner. The petitioner is in custody since 01.05.2024 and charge sheet has been submitted.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the victim is aged about 15 years and she is not in a position to understand right or wrong nature of her act. Her consent is immaterial.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the daughter of the informant and her statement under Section 164 Cr.P.C. and further considering the age of the petitioner and clean antecedent along with submission



of charge sheet, the petitioner above named is directed to 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- 6th, -cum-Special Judge, POCSO, Banka/concerned Court in connection with Dhoraiya P.S. Case No. 109 of 2024, 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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