

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70429 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- MALSALAMI District- Patna

Prince @ Prince Kumar, S/o- Budhu Das @ Budhu Ravidas, Resident of
Mohalla- Bari Nagla, P.S.- Malsalami, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meena Devi, W/o- Late Pappu Kumar, Moh- Chhoti Nagla, P.S- Malsalami
Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard Mr. Rudra Deo, learned Advocate for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Special (POCSO) Case No. 191 of 2024,
arising out of Malsalami P.S. Case No. 224 of 2024, for the
offence punishable under Section 366A of the Indian Penal
Code and Section 8 of the POCSO Act.

3. Based upon the written report, the prosecution
alleged that the daughter of the informant went for marketing on
29.04.2024, but she did not return. Thereupon, all the family
members tried to locate her, but could not succeed. It is further
alleged that the informant came to know that her daughter was



indulged in talking with the petitioner on his mobile and thus suspicion has been raised that it is the petitioner, who enticed away her daughter with the purpose to solemnize marriage.

4. Learned Advocate for the petitioner contended that the entire case is based on suspicion. The alleged occurrence took place on 29.04.2024, but the present F.I.R. has been instituted on 03.05.2024 without assigning any reason for delay. Drawing the attention of this Court to the impugned order, it is further contended that statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she voluntarily left her home and went to New Delhi where she resided in the house of the petitioner's sister from 30.04.2024 to 03.05.2024 and on their request, she returned her native place where she was apprehended by the police. It is further contended that the petitioner is a married person and, as such, the question of enticing away the minor daughter of the informant for the purpose of marriage does not arise. There is no allegation that it is the petitioner, who was even instrumental in enticing away the daughter of the informant and, as such, no case, much less, under Section 366A of the Indian Penal Code is made out. Learned Advocate for the petitioner also drew the attention of this Court to Emergency Outdoor Registration



Certificate of Nalanda Medical College Hospital wherein the age of the victim is shown to be 19 years and thus he submits that the victim is a major girl.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that as per the educational certificate, the victim is a minor on the alleged date of occurrence and, as such, 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 statement of the victim recorded under Section 164 of the Cr.P.C. wherein she has not whispered a word about the petitioner, coupled with the delay in lodging of the F.I.R. as well as the petitioner having fair antecedent and the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (POCSO), Patna in connection with Special (POCSO) Case No. 191 of 2024, arising out of Malsalami P.S. Case No. 224 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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