

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76241 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- SHAMBHUGANJ District- Banka

Sourav Kumar S/o Manoj Singh Resident of village - Kiranpur, PS-
Shambhuganj, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sumitra Devi, W/o Bhagwat Singh, R/o vill - Kiranpur, P.S. - Shambhuganj,
Distt. - Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Mrityunjay Narain, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Shambhuganj P.S. Case No. 100 of 2024, registered on 02.04.2024 for the offences under Sections 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per prosecution case, the minor daughter of the informant went missing after she went outside to attend the call of nature and the petitioner is stated to have enticed her away.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Statement of the victim girl was



recorded under Sections 161 and 164 of Cr.P.C. wherein she stated that she was in love with the petitioner and she was beaten by her parents as they did not like it. She called the petitioner and went to Howrah catching a train where they solemnized marriage. The age of the victim girl was assessed to be 17-19 years and it appears that she was a major. From the statement of the victim girl no offence under Section 366(A) of IPC and Section 8 of the POCSO Act is made out against the petitioner. Petitioner is in custody since 12.05.2024 and is having clean antecedent.

5. Learned A.P.P. for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl coupled with voluntary nature of act of the victim girl and further considering the age of the victim girl when a girl develops sufficient maturity and also considering the clean antecedent of the petitioner as well as his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-



Special Judge (POCSO), Banka/concerned court in connection with Shambhuganj P.S. Case No. 100 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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