

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75481 of 2024

Arising Out of PS. Case No.-334 Year-2024 Thana- BUXAR District- Buxar

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Saubhagya Mishra Son of Vashishtha Mishra Resident of Village - Viratnagar
P.S- Town , District – Buxar

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Santosh Kumar Son of Late Shiv Kumar Thakur Resident of Village -
Viratnagar P.S- Buar, Town , District - Buxar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Anand Kumar Ojha, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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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 the present case, the petitioner seeks bail in connection with Buxar Town P.S. Case No. 334 of 2024, registered on 25.06.2024 for the alleged offences under Sections 363, 366A of the Indian Penal Code and Sections 8/12 of POCSO Act.

3. As per prosecution case, the minor daughter of the informant went missing and informant came to know that the petitioner took away his daughter.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The daughter of the informant is not minor as the girl was medically examined on 06.08.2024 and her age was assessed to be 17 to 19 years. The daughter of the informant has refused to undergo any internal examination. Learned counsel further submits that the daughter of the informant was never kidnapped or enticed away by the petitioner but she eloped with the petitioner out of her sweet will. This fact is also evident from the statement of the victim girl recorded under Section 183 of B.N.S.S. wherein she has stated about her elopement with the petitioner on 25.06.2024 out of her sweet will to Delhi and thereafter to Himachal Pradesh where they stayed for 20 days. Learned counsel further submits that there is no substantive material to show the culpability of the petitioner. Learned counsel further submits that in these facts and circumstances, no offence under Section 363 or 366A IPC and Sections 8/12 of the POCSO Act is made out. The petitioner is in custody since 08.05.2024 and is having clean antecedent and charge sheet has been submitted.

5. Learned APP 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 age of the daughter of the informant assessed by the medical board and also considering the voluntary nature of act of the daughter of the informant along with clean antecedent of the petitioner, 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 District Judge With -cum- Special Judge, POCSO Act, Buxar/concerned Court in connection with Buxar Town P.S. Case No. 334 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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