

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81758 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- DEV District- Aurangabad

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Shashi Bhusan Kumar Son of Suresh Ram Resident of Fakila, P.S.- Karahgar,
District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Deo P.S. Case No. 119 of 2024, registered on 21.05.2024 for the alleged offences under Sections 363 and 366A of the Indian Penal Code.

3. As per prosecution case, the minor daughter of the informant went missing when she went out to attend call of nature. Subsequently, the name of the petitioner transpired as the person who enticed away the daughter of the informant with intention of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case as the petitioner and daughter of the informant were in love and they eloped and solemnized marriage. The statement of the victim girl was recorded wherein she categorically stated that she was in love with the petitioner and performed marriage with him and did not say about any sexual assault or relationship by the petitioner. The police did not find the case true under the provisions of POCSO Act. Moreover, the victim was aged about 17 years as per the written report but she was not a minor and the petitioner is aged about 22 years. The petitioner is in custody since 27.07.2024 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that admittedly the victim was minor on the date of occurrence and her consent is immaterial.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary act on part of the victim and also considering the fact that she was stated to be aged more than 17 years, when a girl develops sufficient maturity and further considering the age of the petitioner and 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 Chief Judicial Magistrate, Aurangabad/concerned Court in connection with Deo P.S. Case No. 119 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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