

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2085 of 2024

Arising Out of PS. Case No.-13 Year-2023 Thana- SALAIYA District- Aurangabad

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Sandeep Kumar @ Sandeep Paswan Son of Bigan Paswan R/o vill - Jai
Bigha, P.S. - Salaiya, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 10-04-2024 Heard Ms. Leelawati Kumari, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. This is an application for grant of bail to the
petitioner, who is made accused and put behind the bars in
connection with Salaiya P.S. Case No. 13 of 2023, registered for
the offences punishable under Sections 366A/34 of the Indian
Penal Code.

3. The allegation against the petitioner is of enticing
away the minor daughter of the informant for the purpose of
marriage.

4. It is submitted on behalf of the petitioner that as per
the narratives of the FIR, it is evident that the alleged
occurrence took place on 07.02.2023, however, the present FIR



has been instituted after a delay of 8 days on 15.02.2023 without assigning any plausible reason. Moreover, subsequent to the institution of the FIR, the statement of the victim was recorded under Section 164, Cr.P.C., wherein she has categorically stated that she voluntarily left her house because of she was scolded by her father. The victim, all the more completely denied that the petitioner in any way misbehaved or committed any illicit act. The learned counsel further submitted, be that as it may, knowing the fact that the FIR has been instituted, the petitioner voluntarily surrendered before the court below on 03.04.2023 itself and since then he has been incarcerated. Besides the aforesaid fact, the petitioner has absolutely fair antecedent and he undertakes that he will fully cooperate in the trial.

5. On the other hand, learned APP for the State opposes the bail application and submits that the victim is minor aged about 16 years.

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 there is no allegation against the petitioner, coupled with the period of custody and the fair antecedent, let the petitioner, abovenamed, 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 VIth -cum-Exclusive Special Judge, POCSO Act, Aurangabad in connection with Salaiya P.S. Case No. 13 of 2023, subject to the condition that one of the bailors shall be the own/close family members 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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