

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.715 of 2024

Arising Out of PS. Case No.-137 Year-2022 Thana- CHHAURADANO District- East
Champaran

=====

Sonu Giri @ Sonu Kumar @ Sonu Kumar Giri Son Of Basisht Giri @
Bashistha Giri R/O Village- Hiramani, P.S- Chhauradano. Dist.- East
Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Chhauradano P.S. Case No.137 of 2022, lodged on 08.05.2022,
under Section 366A/34 IPC and under Section 8 POCSO Act.

3. As per the prosecution, there is allegation of
kidnapping of the victim at the hand of the accused persons
including the petitioner with a view to marry.

4. Learned counsel for the petitioner submits that the
alleged victim has been recovered and she has narrated in her
statement under Section 164 Cr.P.C. and denied the story of
kidnapping; rather stated that she left her house alone and then
went to Sugauli Station with accused persons with whom she



went to Jalandhar and solemnized marriage. Counsel further submits that the age of the victim was ascertained by the Medical Board as more than 19 years. Counsel further submits that it is not the case of kidnapping; rather it is a case of elopement with consent for the purpose of marriage with consent of both the victim and the petitioner.

5. Learned counsel for the State opposes the prayer for bail but admits that in the rejection order there is acknowledgment of the statement made under Section 164 Cr.P.C. by the learned Sessions Court as well as about the age ascertained by the Medical Board.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge (POCSO), Motihari, East Champaran, in connection with Chhauradano P.S. Case No.137 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

Mkr./-

U		T	
---	--	---	--

