

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39474 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- SIMRI District- Buxar

Nitin Kumar Son of Sunil Kumar R/O village-Dullahpur, P.S. Simari, District-Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jawahar Ram Son of Late Shiv Chandra Ram Resident of Village-Dullahpur, P.S- Simari, Dist- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 20-01-2025 Heard learned counsel for the petitioner and learned APP for the State. Despite issuance of notice, none appears for the informant. Perused the case diary.

2. The petitioner seeks bail in connection with Simari P.S. Case No. 113 of 2024 instituted for the offence under Section 366A of the Indian Penal Code and Sections 8 & 12 of the POCSO Act.

3. As per prosecution case, allegation against the petitioner is that petitioner has eloped with the daughter of the informant for the purpose of marriage.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28-03-2024. Petitioner



bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel submits that from perusal of the statement of the victim recorded under Section 164 of the Cr.P.C., it is submitted that victim had gone at her own volition and no sexual act was committed by the petitioner upon her. Victim has refused for her medical examination. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that victim is minor and other witness have supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no allegation of sexual assault against the petitioner in the statement of the victim recorded under Section 164 of the Cr.P.C and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Simari P.S. Case No. 113 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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