

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66123 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- MATIYARIA District- West Champaran

Shyamjit Patel, Son of Deva Patel @ Devi Prasad Patel, Resident of Village - Ekderwa, P.S.- Matiyaria, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Birbasni Devi, Wife Of Badri Kuwar, Resident Of Village- Ekderwa, P.S.- Matiyaria, Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Shrivastava, Advocate
For the State	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Sanjeev Kumar, Advocate Mr. Sitesh Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 20-02-2025 Heard learned counsel for the petitioner, Mr. Md. Fahimuddin, learned APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 363 and 366(A) of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. The case of the prosecution is that the minor daughter of the informant has gone to ease herself. It is alleged that the petitioner along with others kidnapped the daughter of the informant.

4. Learned counsel for the petitioner has submitted



that During course of investigation the victim was recovered and she has given her statement under Sections 161 and 164 Cr.P.C. wherein she has stated that she was having affair with the petitioner and she has gone with him on her own sweet-will. She has further stated that she has solemnized marriage with the petitioner though in the FIR it has been alleged that the age of the victim is 14 years yet there is no document of age before this Court. From perusal of the statement of the victim under Section 164 Cr.P.C. it appears that the learned Magistrate had assessed the age of the victim to be 17 years. The petitioner is having no criminal antecedent and he is in custody since 26.06.2024.

5. The application for bail is opposed by learned APP for the State as well as learned counsel for the informant.

6. Having heard learned counsel for the parties and considering that it appears to be a case of affair outside marriage between the adolescents, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the court of learned Additional District & Sessions Judge- VIIth cum Special Judge (POCSO), West Champaran, Bettiah in connection with Matiyari P.S. Case No.



67 of 2024.

7. Accordingly, the present bail application stands
allowed.

(Ashok Kumar Pandey, J)

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