

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69524 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- SANOKHAR District- Bhagalpur

Alok Kumar @ Aryan Kumar Son of Chhote Harizan @ Chote Lal Das R/O
Vill.- Arar, P.S.- Sanokhar, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Mahfuz Alam Son of Late Hanif R/O Chhoti Naki, P.S.- Sanokhar,
Dist.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Gita Kumari Jha, Advocate
For the State	:	Mr. Ram Sevak Choudhary, APP
For O.P. No. 2	:	Mr. Suman Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-01-2025 Learned counsel for the petitioner is permitted to
make necessary correction in paragraph 15 of the petition.

2. Heard learned counsel for the petitioner, learned
APP for the State as well as learned counsel appearing on behalf
of the informant/opposite party no. 2.

3. In the present case, the petitioner seeks bail in
connection with Sanokhar P.S. Case No. 76 of 2024, registered
for the alleged offences under Sections 366A, 504, 506 of the
Indian Penal Code and Section 8 of POCSO Act.

4. As per prosecution case, the minor daughter of the
informant went missing after attending her school. The



informant came to know that the petitioner probably took her away.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is a young boy aged about 19 years having no criminal antecedent. As the daughter of the informant was scolded by her mother she went to the house of the petitioner as they happen to know each other. The father of the petitioner informed the informant and despite this fact informant has lodged this case with false allegation. Learned counsel further submits that the statement of the victim girl was recorded but she did not make allegation against the petitioner for any wrong doing or committing any sexual act with her. Learned counsel also submits that the charge sheet has been submitted in this case and the petitioner is in custody since 26.05.2024.

6. Learned APP as well as learned counsel appearing on behalf of the informant/opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for opposite no. 2 submits that the victim girl is minor and she was enticed away by the petitioner to solemnize marriage with her and this fact has also come in the statement recorded under Section 164 Cr.P.C.



7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the victim girl aged about 16 years when a girl develops sufficient maturity and also considering the age of the petitioner, submission of charge sheet, period of custody of the petitioner and no allegation of any sexual assault against the petitioner, 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 Exclusive Special Judge (POCSO Act) -cum- 7th Additional Sessions Judge, Bhagalpur/concerned Court in connection with Sanokhar P.S. Case No. 76 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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