

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73199 of 2024**

Arising Out of PS. Case No.-70 Year-2023 Thana- MAHILA P.S. District- Lakhisarai

Ajeet Modi @ Ajeet Kumar Son of Awdhesh Modi @ Awdhesh Kumar  
Resident of village - Kuel Basti, Mamta Dham Mandir, Babhan Toli, Ward  
No.- 20, P.S.- Lakhisaray, District - Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sheela Devi (Imaginary Road) Son of Ashok Modi (Imaginary Name) R/O  
Kiul Basti, Ward no. 21, P.S. and Dist.- Lakhisarai

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate  
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

6      28-01-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 376, 504 and 34 of the Indian Penal Code and Section 4 of the POCSO Act. Later on charge sheet has been submitted against the petitioner under Sections 420 and 376 of IPC and Section 4 of the POCSO Act.

3. The case of prosecution is that the informant was subjected to rape after alluring by the petitioner and when she became pregnant he took her to Ashok Dham and solemnized marriage and after marriage, he took her to his house.



Thereafter, all the accused persons together started bitting and abusing her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. During the course of investigation, the victim has given her statement recorded under section 164 of the Cr.P.C. and from perusal of the statement of the victim it transpires that she was having an affair with this petitioner outside marriage and she used to meet the petitioner when her parents were not at home. she has stated that she has married with the petitioner and she is having pregnancy of three months. In para-68 of the diary it transpires that the date of the birth of the victim is 01.01.2006 it means she was more than 17 years old when the occurrence took place. From the perusal of the statement of the victim, it also transpires that it is a case of adolescence affair outside marriage and also the marriage has been solemnized between the parties. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 24.07.2023.

5. Learned counsel for the informant is present and has submitted and the victim is not being kept by the petitioner



with him to which the learned counsel for the petitioner has replied that he will keep her after he is outside from the custody.

6. Learned APP appearing for the state has opposed the prayer of regular bail.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Lakhisarai (Mahila) P.S. Case No. 70 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IV cum Spl. Judge POCSO Act, Lakhisarai.

**(Ashok Kumar Pandey, J)**

Shubham/-

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