

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72616 of 2024

Arising Out of PS. Case No.-434 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

Raju Kumar @ Raju Kr. @ Raju Kumar Sah S/O Binod Sah Resident of
Mohalla- Kuldeep Nagar, P.S- Chapra Muffasil, District- Saran, Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha Devi W/O Munna Raut Resident of Mohalla- Kuldeep Nagar, P.S- Chapra Muffasil, District- Saran, Chapra.
3. Channu Kumari, D/O- Munna Raut, W/O- Raju Kumar@Raju Kumar Sah R/O of Mohalla- Kuldeep Nagar, P.S- Muffasil, District- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mili Kumari, Adv.
For the Opposite Party/s : Ms.Veena Kumari Jaiswal, A.P.P.
Mr. Mukesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-01-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Chapra Muffasil P.S. Case No. 434 of 2022, registered for the offences under Sections 366(A), 34 of the Indian Penal Code and later on added Section 376 of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act.

3. As per the prosecution case, the minor daughter of the informant was enticed away by the petitioner and other co-accused persons.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The victim girl has been recovered and was examined under Section 161 of the Cr.P.C. and Section 164 of the Cr.P.C. wherein she categorically stated that she was aged about 20 years and has performed marriage with the petitioner on 10.06.2022. In her statement recorded under Section 164 of the Cr.P.C. her age was assessed to be 19-20 years and in her statement she stated that she herself went to the house of the petitioner and asked him to solemnize marriage though the petitioner was reluctant they subsequently solemnized marriage and went to stay in Hyderabad. Learned counsel further submits that from this marriage there are two children and the victim girl has been staying in her matrimonial home. The matter has been compromised and the informant has no objection to the marriage of the petitioner with her daughter. The petitioner has clean antecedent and he is in custody since 16.08.2024 and charge sheet has been submitted though under Section 366(A), 376 of the Indian Penal Code and Section 4, 6 of the POCSO Act.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. However, learned



counsel appearing on behalf of the informant submits that informant has accepted the marriage of the petitioner with her daughter since two children have been begotten in this marriage and no useful purpose would be served in continuing with the proceeding.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the voluntary nature of act of the victim girl as well as doubt over her age and further considering the subsequent developments, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO), Saran, Chapra/concerned court, in connection with Chapra Muffasil P.S. Case No. 434 of 2022, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other 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, if so required by the learned trial



court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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