

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72756 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

Ranjan Kumar S/o Late Mithilesh Yadav R/o Village- Kakadiya, PS-
Makhdumpur, Dist- Jehanabad

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Deokali Devi W/o Late Arjun Manjhi R/o vill - Kakariya, P.S. -
Makhdumpur, Distt. - Jehanabad, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Anand, Adv.
For the Opposite Party/s : Mr.Usha Kumari I, A.P.P.
Mr. Tahsin Nayyar Siddiqui, 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 POCSO Case No. 45 of 2024 arising out of Makhdumpur P.S. Case No. 124 of 2024, registered for the offences under Sections 363, 366A, 504, 506 of the Indian Penal Code and Section 8 of the POCSO Act and Section 3(1) (xv), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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

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 returned home and her statement was recorded under Section 161 of the Cr.P.C. and Section 164 of the Cr.P.C. and she has recorded completely contradictory statement. In her statement recorded under Section 161 of the Cr.P.C. she has stated that after some altercation with her mother she left home and went to Surat, Gujarat on her own where she met the petitioner who kept her in his house for one month and after that he got her back to her native place however, in her statement recorded under Section 164 of the Cr.P.C. she has stated that petitioner forcibly took her to Surat by train and there they stayed for a month. Learned counsel submits that the story of the victim girl is not believable and it appears that she was a consenting party. The victim girl appears to be major at the relevant time and her age was assessed to be 17-18 years in the medical examination. It is also surprising that the victim girl never raised any alarm while she was being taken from her house or on train and kept in Surat, Gujarat for a month. Learned counsel further submits that moreover, in her statement recorded under Section 161 of the Cr.P.C. and Section 164 of the Cr.P.C. the victim girl has not

stated about petitioner establishing any physical relationship with her and it appears to be a case of love affair between the petitioner and the victim girl. The petitioner is in custody since 10.04.2024 and charge sheet has been submitted. The petitioner has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. However, the learned counsel for the informant submits that the matter has been compromised between the parties and the informant does not want to proceed with the case.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and the contradictory statement of victim girl and further considering submission of charge sheet and period of custody of the petitioner and his clean antecedent, 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 Addl. Sessions Judge-VI-cum-Special Judge (POCSO Act), Jehanabad/concerned court, in connection with POCSO Case No. 45 of 2024 arising out of Makhdumpur P.S. Case No. 124 of 2024, 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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