

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76222 of 2024

Arising Out of PS. Case No.-188 Year-2024 Thana- HILSA District- Nalanda

Shoshil Kumar S/O Shiv Balak Prasad R/o Village- Krishna Bigha, P.S. -Hilsa
,Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 22-01-2025 Heard Mr. Birendra Kumar, learned counsel for the

petitioner and Mr. Sanjay Kumar Tiwari, learned APP for the

State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 366(A) and
376 of the Indian Penal Code and Section 4/6 of the POCSO
Act.

3. The case of the prosecution is that the informant
is residing with her sister at Mohalla-Krishnapur for the purpose
of studies. On 15.03.2024, the sister of the informant did not
return from her school. One of the teacher of D.P.S. School,
namely, Goutam Sir called the informant to talk to Chanchala
then he told that she has not reached at house. The FIR was filed
against unknown. During the course of investigation, the victim



was recovered. At paragraph-34 of the case diary, the victim has given her statement under Section 161 of the Cr.P.C. wherein she has stated that she has love affair outside marriage with the petitioner and that she has solemnized marriage with him and they are living as husband and wife. She has also given her statement under Section 161 of the Cr.P.C. wherein she has stated that the petitioner has enticed and kidnapped her. Her medical was conducted but she denied for any kind of internal examination. Her Medical Examination was conducted only for determination of her age and the Medical Board found her age 19 to 20 years.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. During the course of argument, learned counsel for the petitioner submits that she has produced School Leaving Certificate which goes to show that the victim was minor on the date of occurrence but School Living Certificate is not a document of age in view of section 94 of the JJBA Act. There is much contradiction in the statement of the victim recorded under section 161 and 164 of the Cr.P.C. The statement of the victim in both provisions are on same footing as the victim herself has stated in her statement before



the police that she was in love affair outside marriage with the petitioner. Moreover the petitioner is languishing in judicial custody since 07.04.2024 having no criminal antecedent.

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

6. Considering the aforesaid 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 Hilsa P.S. Case No. 188 of 2024 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 -VIIth cum Special Judge POCSO, Bihar Sharif, Nalanda.

(Ashok Kumar Pandey, J)

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