

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74167 of 2024

Arising Out of PS. Case No.-193 Year-2024 Thana- BARAHAT District- Banka

Rakesh Das son of Nageshwar Das village- Jagatpur, Ps- dhoriya, Dist- Banka
... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhola Pandit son of Patwari Pundit village- Rajdhar, Po- Lakhpura, Ps- Barahat, Dist- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar, Advocate
For the State	:	Md. Anzarul Haque Sahara, APP
For the Informant	:	Mr. Dhananjay Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Barahat P.S. Case No. 193 of 2024, registered on 22.08.2024 for the offences under Sections 137(2) and 140(3) of B.N.S. and Section 8 of the POCSO Act.

3. As per prosecution case, the minor daughter of the informant went missing from the house in the dead of night. The name of the petitioner transpired during investigation for being involved in the said occurrence

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The FIR has been lodged after 4 days of occurrence without any explanation. The petitioner and the daughter of the informant were in love and they solemnized marriage. The petitioner did not force



or coerce the daughter of the informant in running away from the house. The statement of the victim girl was recorded under Section 164 Cr.P.C. wherein she has stated that her parents have been giving troubles to her and she was in love with the petitioner and eloped with him and solemnized marriage at Budha Nath Mandir in Bhagalpur and she has also shown her inclination to go to the petitioner at her matrimonial home. Learned counsel further submits that the victim girl was medically examined and her age was assessed to be 17-19 years which shows the victim girl was major on the date of occurrence. No evidence of any recent physical contact was found. Petitioner is in custody since 23.08.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the victim girl was minor and her consent is immaterial.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the age of the victim girl assessed in medical examination and further considering the voluntary nature of her act at the age when a girl develops sufficient maturity and also considering the clean antecedent of the petitioner coupled with period of



custody and submission of charge-sheet, 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 Additional Sessions Judge-6-cum-Special Judge, POCSO, Banka/concerned court, in connection with Barahat P.S. Case No. 193 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 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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