

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78133 of 2024

Arising Out of PS. Case No.-135 Year-2024 Thana- ITARHI District- Buxar

Sahdev Rajbhar Son of Brmeshwar Rajbhar @ Parmeshwar Ray Resident of
Vilage- Rupa Pokhar, P.S.- Rajpur, Distt.- Buxar

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Banshraj Rajbhar Son of Late Doman Rajbhar Resident of Village- Khatiba,
P.S.- Itadhi, Distt.- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta, Adv.
For the Opposite Party/s : Mr.Satya Nand Shukla, A.P.P.
Mr.Rang Nath Choubey, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-01-2025 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 Itarhi P.S. Case No. 135 of 2024, registered for
the offences under Sections 363, 365 of the Indian Penal Code
and Section 8 of the Protection of Children from Sexual
Offences Act

3. As per the prosecution case, petitioner enticed
away the minor daughter of the informant.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been falsely implicated
in this case. The daughter of the informant is not minor and her



age was assessed to be 20 years by the learned Magistrate who recorded her statement under Section 164 of the Cr.P.C. In the statement of the victim girl, she has clearly stated that she left her house on her own and solemnized marriage with the petitioner and also informed her family members. Thereafter, her father lodged the case against the petitioner and his family members. She showed her willingness to stay with her husband, the petitioner herein. Learned counsel further submits that Medical Board assessed the radiological age of the victim to be 19 years or more. Considering the circumstances, no offences under Section 363, 365 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act is made out against the petitioner. The petitioner is in custody since 03.09.2024 and he has no criminal antecedent. Charge sheet has been submitted against the petitioner.

5. Learned A.P.P. appearing for the State and learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against the petitioner and the victim girl is minor.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the



statement of the victim girl recorded under Section 164 of the Cr.P.C. and further considering the age of the victim girl assessed by Medical Board and learned Judicial Magistrate and further considering the clean antecedent of the petitioner, his 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 VI-cum-Special Judge, POCSO Act, Buxar/concerned court, in connection with Itarhi P.S. Case No. 135 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)

Anuradha/-

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