

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87779 of 2024

Arising Out of PS. Case No.-606 Year-2023 Thana- SAUR BAZAR District- Saharsa

Bhavi Kumar @ Bhim Kumar S/O Suresh Yadav R/O Village- Rahua, Ward
No. 8, Police Shivir Pastpar, P.S.- Sour Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Niraj Kumar S/O Late Fuleshwar Yadav R/O Village- Rahua, Ward No. 8,
P.S- Shivir Pastpar, P.S- Sour Bazar, Distt.- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sour Bazar (Pastpar) P.S. Case No. 606 of 2023 registered for the alleged offences under Sections 363, 365, 366A/34 of the Indian Penal Code and Sections 6/8 of POCSO Act.

3. As per prosecution case, the minor daughter of the informant was enticed away by the petitioner and his family members.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is a case of love affair between the petitioner and the



daughter of the informant who is not minor. Both of them solemnized marriage out of their sweet will. The statement of the victim girl was recorded under Section 164 of the Cr.P.C. and she has stated her date of birth as 08.04.2006 and her age was also assessed by the learned trial court to be 18 years. In her statement the victim girl has stated that her parents forcefully solemnized her marriage with some other person where she was tortured and treated with cruelty and she solemnized her marriage with the petitioner on 04.10.2023 in a temple. Learned counsel further submits that the petitioner is in custody since 06.09.2024 and charge sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl recorded under Section 164 Cr.P.C. and also considering her age at which a girl develops sufficient maturity and further considering the submission of charge sheet, clean antecedent of the petitioner and his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI- cum- Exclusive Special Judge (POCSO), Saharsa/concerned Court in connection with Saur Bazar (Pastpar) P.S. Case No. 606 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the 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.
- (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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