

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89910 of 2024

Arising Out of PS. Case No.-413 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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Harsh Kumar Son of Sujeet Kumar Resident of Village - Hariharganj Purvi
(Hariharganj Cinema Road), P.S. - Hariharganj, District - Palamu (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meena Devi Wife of Shri Krishna Singh Resident of Chitra Nagar, Gali
No.2, Ward No. 12, P.S. - Town, District - Aurangabad, Permanent Address -
Resident of Village - Gadhopur, Post - Ferwarpur, P.S. - Karpi, District -
Arwal

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rahul Kumar Singh, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 19-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in
connection with Town P.S. Case No. 413 of 2024 registered for
the alleged offences under Sections 363, 366A of the Indian
Penal Code and Sections 8/12 of POCSO Act.

3. As per prosecution case, the minor daughter of the
informant was enticed away by the petitioner and the informant
showed her apprehension that her daughter might be killed.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The victim girl is not minor and she is aged about 19 years as she disclosed before the police and the learned Judicial Magistrate when her statement was being recorded. The victim girl willingly went with this petitioner and stayed with him for four months without any objection or without raising any alarm. The victim girl even stated in her statement before the police and the learned Magistrate that she went with the petitioner on her own and they stayed at the different place in Haryana, Delhi and Jalandhar for more than four months. Learned counsel further submits that it is a case of love affair between the petitioner and the victim girl and they have also solemnized marriage. The victim girl refused to undergo any medical examination. The petitioner is in custody since 01.11.2024 and charges have been framed. The petitioner is having no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the learned Magistrate assessed the age of the victim girl to be 15 years and the victim girl was minor and taken away by the petitioner and her consent is immaterial.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the voluntary nature of act of the victim girl and also considering her age at which a girl develops sufficient maturity and further considering the clean antecedent of the petitioner stated to be aged about 23 years and period of custody and charges being framed against him, 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 Sessions Judge IV -cum- Special Exclusive Judge (POCSO), Aurangabad/concerned Court in connection with POCSO G.R. Case No. 194 of 2024, arising out of Town P.S. Case No. 413 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. 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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