
(2021) 01 JH CK 0071

In the Jharkhand High Court

Case No : Bail Application No. 10386 Of 2020

Balmike Bhuiya @ Balmiki Kumar Bhuia

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 366(A), 504, 506
Protection Of Children from Sexual Offences Act, 2012 — Section 7, 8
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2021) 01 JH CK 0071

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : M.B. Lal, Someshwar Roy

Final Decision : Allowed

Judgement

Heard the parties through video conferencing. Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the

stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

The petitioner has moved this Court for grant of bail in connection with Loyabad P.S. Case No.61 of 2020, corresponding to Spl. POCSO Case No.

118 of 2020 registered under sections 366(A)/323/504/506/34 of the Indian Penal Code and under section 7/8 of the POCSO Act.

The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner enticed away the minor girl for solemnizing

marriage with her. It is further submitted that the allegations against the petitioner are all false. It is then submitted by the learned counsel for the

petitioner, drawing attention of this Court to annexure-2 at page nos. 20-21 of the brief which is the copy of the certified copy of the statement of the victim recorded under section 164 Cr.P.C., that in her said statement, the victim has categorically stated that she out of her own volition solemnized marriage with the petitioner and she has not stated anything to indicate that the petitioner enticed her away. It is next submitted that the petitioner has been in custody since 10.09.2020 as has been mentioned in paragraph no. 9 of the bail application. It is lastly submitted that the petitioner undertakes to cooperate with the trial of the case. Hence, it is submitted that the petitioner be admitted to bail.

The learned Addl. P.P. opposes the prayer for bail. Considering the submissions of the counsels and the fact as discussed above, I am inclined to

enlarge the above named petitioner on bail. Accordingly, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees

Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge -IX-cum-Special Judge

(POCSO), Dhanbad, in connection with Loyabad P.S. Case No.61 of 2020, corresponding to Spl. POCSO Case No. 118 of 2020 with the condition

that he will cooperate with the trial of the case.