

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40903 of 2016

Arising Out of PS.Case No. -52 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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Lucky Kumar, son of Madan Prasad @ Madan Prasad Srivastava, Resident
of Village Rajepur, Police Station - Dhaka, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate

For the Opposite Party/s : Mr. (Dr.) Indiwari Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 22-11-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
30.06.2016 in connection with Dhaka P.S. Case No. 52/16 for
offences punishable under Sections 363, 366, 376/34 of the
Indian Penal Code and under Section 6 of the POCSO Act.

The allegation is that petitioner on the point of
country-made pistol lifted the daughter of the informant in a
Bolero vehicle and fled away. After 3-4 months informant knew
about the arrival of the petitioner, went there and found her
daughter unconscious but petitioner was not there.

It has been submitted by the learned counsel for
the petitioner that he is innocent and has falsely been implicated

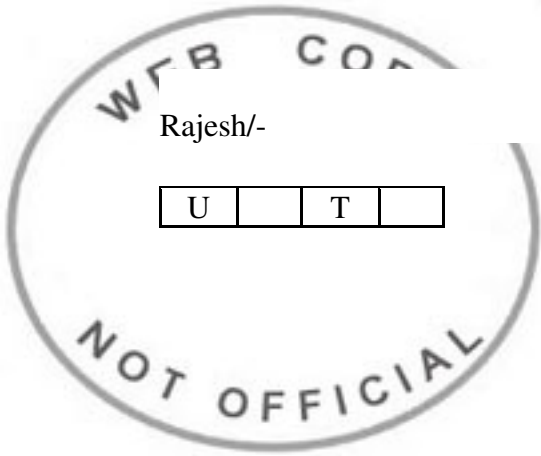


in the aforesaid case. He submits that there is contradiction between the prosecution version and the statement of the victim girl Rokhsar Khatoon made under Section 164 Cr.P.C. He further submits that the witnesses have not supported the prosecution case saying that the victim girl is a married woman and the police after investigation has also noted that the present case is an afterthought of the earlier case lodged by the petitioner's father bearing Dhaka P.S. Case No. 51/16 against the informant side and a day after, the present case has been lodged. He further submits that the present case has been lodged with a view to get the victim girl married to the petitioner and that the victim girl has been assessed as 18 years of age being a major, hence, provisions of POSCO Act is not applicable. Even the doctor has assessed her age to be 17-18 years.

Learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the aforesaid submissions and perusing the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Motihari in

connection with Dhaka P.S. Case No. 52/16.



Rajesh/-

(Nilu Agrawal, J.)