

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14524 of 2016

Arising Out of PS.Case No. -170 Year- 2015 Thana -SURYAGARHA District- LAKHISARAI

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Pankaj Kumar @ Pappu Yadav Sonn of Srikant Yadav, resident of village-
Nawabganj, P.S.- Suryagarha, District- Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat(Spl.P.P.)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-04-2016 Heard learned counsel for the petitioner and the

learned Special P.P. for the State.

Petitioner apprehends his arrest in connection with
Suryagarha P.S. Case No. 170 of 2015 (G.R. No. 1415 of 2015)
registered for offences punishable under Sections 363, 366(A)/34
of the Indian Penal Code, Sections 4/8 of the POCSO Act and
Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

The prosecution case, in brief, is that on 24.08.2015,
accused persons kidnapped the daughter of the informant from
NH-80 while she was going to purchase fruits. It is further alleged
that earlier, petitioner had tried to commit rape upon the wife of
the informant.



It has been submitted by the counsel for the petitioner that petitioner is innocent and just because the informant was inimical with this petitioner, which is evident from sanha lodged by the petitioner against the informant on 07.08.2015 i.e. prior to the lodging of the present First Information Report, he has falsely been implicated. It has further been submitted that the victim girl, although has been found to be a minor by the learned Magistrate while recording her statement under Section 164 of the Cr.P.C., but she has not named the petitioner anywhere in the said statement. Counsel for the petitioner submits that no case under Sections 4/8 of the POCSO Act and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the petitioner.

However, learned Special P.P. for the State submits that the petitioner was an accomplice of one Chandan Kumar with whom the victim girl got married, hence, opposes the prayer for bail.

Be that as it may, since complicity of the petitioner has not been found in the present offence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only)

with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-I-cum- Special Judge, POCSO, Lakhisarai in connection with Suryagarha P.S. Case No. 170 of 2015 (G.R. No. 1415 of 2015), subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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