

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39329 of 2017

Arising Out of PS.Case No. -215 Year- 2016 Thana -DULHIN BAZAR District- PATNA

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1. Rohit Kumar Son of Nagendra Singh Resident of Village- Dema, P.S.-
Dhanarua, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-09-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in judicial custody since 30.03.2017 in connection with Special (POSCO) Case No. 4 of 2017 arising out of Dulhin Bazar P.S.Case No. 215 of 2016 registered for offences punishable under Sections 366 (A) of the Indian Penal Code. Later on, Section 376 of the Indian Penal Code and Section 4 of the POCSO Act were also added.

The prosecution case, as lodged by the informant, is that his daughter went to the market and did not return. After some time, he received mobile call that his daughter has been kidnapped and also threatening of dire consequences, if the police is informed.



It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act alleged to have been committed by the petitioner and the victim girl in her statement under Section 164 Cr. P. C. has not named the petitioner in the commission of any overt act and the allegation is that he only threatened the victim girl. He submits that the main allegation is upon other co-accused Jyotish Kumar and Rinki Devi. Rinki Devi, who is alleged to have given the victim girl intoxicant, has already been granted the privilege of anticipatory bail by learned Court below. He submits that charges have been framed and even the medical report does not suggest any signs of rape.

However, learned A.P.P. for the State opposes the prayer for bail and submits that the petitioner was one of the conspirators along with other accused persons and the victim girl is a minor whom the petitioner and other accused persons had abducted and confined her. The petitioner had earlier moved for bail in Cr. Misc. No. 23275 of 2017, which was rejected ON 23.06.2017. He submits that since charge has been framed on 19.07.2017, hence there is no chance of tampering with the prosecution evidence.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be



released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge –I, Patna in connection with Special (POSCO) Case No. 4 of 2017 arising out of Dulhin Bazar P.S.Case No. 215 of 2016, subject to the conditions that one of the bailors would be a close relative of the petitioner and the petitioner will appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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