

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35562 of 2017

Arising Out of PS. Case No.-147 Year-2017 Thana- TEGHRA District- Begusarai

Abhinav Kumar, son of Bittu Singh, resident of Village- Barauni Dehuri,
P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-09-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
15.05.2017 in connection with POCSO Case No. 23 of 2017,
arising out of Teghra P.S. Case No. 147 of 2017 registered for
the offence punishable under Sections 366(A) and 354(A) of the
Indian Penal Code and Sections 7 and 8 of the POCSO Act.

The prosecution case, as lodged by the informant, is
that his 17 year old daughter, Ayushi Kumari @ Ayushi Rani
was taken away by the petitioner and recovered the next day.
Thereafter, on 12.05.2017, petitioner has created a fake face
book account in the name of his daughter, Ayushi Kumari @
Ayushi Rani and posted some of her photographs on the face
book and had also threatened the informant of dire



consequences.

It has been submitted by the learned counsel for the petitioner that he is innocent and the victim girl has stated before the learned Magistrate that she was on talking terms with the petitioner and her parents have lodged a case against the petitioner. Learned Magistrate has assessed her age to be 18 years, thus, she is a major and no provision of the POCSO Act is made out. He submits that no overt act has been alleged to have been committed by the petitioner and that charge-sheet has been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge 1st -cum- Special Judge POCSO Act, Begusarai in connection with POCSO Case No. 23 of 2017, arising out of Teghra P.S. Case No. 147 of 2017, subject to the condition that both the bailors would be close



relative of the petitioner.

(Nilu Agrawal, J.)

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