

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26006 of 2017

Arising Out of PS.Case No. -162 Year- 2017 Thana -SHEKHPURA District- SEKHPURA

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Prince Kumar Son of Sadan Prasad, resident of Village- Bankapar, Police Station- Sheikhpura, District- Sheikhpura at present Jamalpur Bigha, Police Station- Sheikhpura, District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Dilip Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner seeks bail in connection with Sheikhpura P.S. Case No. 162 of 2017 (POCSO Case No. 16 of 2017) registered for the offence punishable under Sections 363 and 366A/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case, as lodged by the informant, is that her daughter, Nishu Kumari went for tuition, but did not return and it is suspected that the petitioner along with other co-accused have forcibly kidnapped her for the purpose of marriage.

It has been submitted by the learned counsel for the petitioner that he is innocent, has no criminal antecedent and the victim girl is not a minor as Medical Board has assessed her age to



be 17-18 years, as such, the provisions of the POCSO Act will not be attracted. It is further submitted that in the statement under Section 164 of the Cr.P.C., victim girl has not alleged that any force was exercised against her and she has stated that she went with her friends. It has further been submitted that the petitioner is a student having bright career and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

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 above named 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 1st Additional District and Sessions Judge, Sheikhpura in connection with Sheikhpura P.S. Case No. 162 of 2017 (POCSO Case No. 16 of 2017).

(Nilu Agrawal, J.)

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