

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11359 of 2018

Arising Out of PS. Case No.-81 Year-2017 Thana- SAMASTIPUR District- Samastipur

=====

Ramu Kumar Son of Nageshwar Mahto @ Nago Mahto, Resident of
Magardahi Ghat, WardNo-18, Town, P.S. and District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-03-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since
21.11.2017 in connection with Samastipur Town P.S. Case No.
81 of 2017, G.R. No. 888 of 2017 registered for the offence
punishable under Sections 363/34 of the Indian Penal Code and
Section 4 of the POCSO Act.

The prosecution case, as lodged by the mother of
the victim, is that her daughter went to start electric water pump
on the ground floor and was also asked to bring some ration
from the shop situated nearby, but thereafter she did not return.
It is alleged that the petitioner with whom her daughter was on
talking term had love affair and had forcibly taken away her
daughter.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and nothing of the sort happened. Allegations are false and statement of the victim girl was recorded by the police the very next day of the lodging of the First Information Report and the statement recorded under Section 161 of the Cr.P.C. by the police and the statement recorded under Section 164 of the Cr.P.C. by the Magistrate are contradictory. He submits that the mother of the victim girl has also stated in her statement before the Magistrate that because of suspicion, petitioner has been made accused and that her daughter is aged 19 years. He submits that the Medical Board also found her age to be 17 ½ - 18 ½ years and there was no sign of rape. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses or evidence 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 1st Additional Sessions Judge,
Samastipur in connection with Samastipur Town P.S. Case No.
81 of 2017, G.R. No. 888 of 2017.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

