

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63755 of 2017

Arising Out of PS.Case No. -115 Year- 2017 Thana -UDWANTNAGAR District- BHOJPUR

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Khushi Sah, S/o Om Prakash Sah, Resident of Vill-Chakardah P.S.-
Udwantnagar Dist-Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Udwantnagar P.S. Case No.115 of 2017,
registered for offences alleged under Section 366A of the Indian
Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that as per
the FIR altogether three persons visited the house of informant and
asked her daughter to follow them on the pretext of her mother
calling her. The victim girl thereafter followed them and these
accused persons allegedly took away the girl with an intention to
marry her. The victim girl was said to be 15 years old as per the
FIR. Later on she came back and got her statement recorded under



Section 164 Cr.P.C. firstly on 17.05.2017 and then on 18.05.2017, but in both the statements she had stated that she had gone to Kolkata with Sonu and thereafter she had left with the mother of said Sonu in the State of Jharkhand. Nobody assaulted her. In her subsequent statement she had made a statement that Sonu kept her in the house of his maternal uncle whose house is situated in the State of Jharkhand where he has committed rape on her.

Learned counsel for the petitioner submits that earlier three accused persons including one Santosh Ram whose name has also been figured in the FIR had been granted privilege of anticipatory bail vide Annexure-3 to the application. He submits that so far as present petitioner is concerned, there is no allegation at all of either assaulting the victim girl or committing rape on her.

Learned counsel for the State opposed the prayer for bail.

Considering the facts and circumstances and upon going through the records, I find that there is no allegation of assault or of commission of rape against this petitioner, the girl has been medically examined and has been found to be aged about 17 to 19 years and the allegations are specifically made against Sonu Ram.

Therefore, let the petitioner, above named, be



enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-I, Bhojpur at Ara in connection with Udwanthnagar P.S. Case No.115 of 2017, subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

Arvind/sushma

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