

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70092 of 2018

Arising Out of PS. Case No.-60 Year-2018 Thana- BARBIGHA District- Sheikhpura

Rohit Kumar son of Naresh Ram, resident of village-Shamachak, P.S.
Barbigha, District-Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Md. Ashlam Ansari

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel appearing on
behalf of the State.

Petitioner had earlier moved for bail which was
rejected by order dated 06.09.2018 passed in Cr. Misc. No.
39208 of 2018.

Petitioner is languishing in judicial custody since
16.03.2018 in connection with POCSO Case No. 06 of 2018
arising out of Barbigha (Mission O.P.) P.S. Case No. 60 of 2018
for the offence alleged under Sections 366A/34 of the I.P.C. and
Section 8 of the POCSO Act.

The prosecution case as lodged by the informant is
that his 15 year old daughter, Anjali Kumari, a Class IX student,
who went to purchase some house hold articles from the market



was kidnapped by petitioner and co-accused Dinesh Kumar.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and there was a love affair between the petitioner and the victim and he has been falsely implicated. It has further been submitted that charges have been framed on 11.09.2018 and the petitioner undertakes to cooperate in the trial. He further submits that although she has stated her age to be 15 years, but Magistrate has assessed her age to be 17 years, hence POCSO Act will not apply.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner had taken the minor victim girl to various places and had also threatened her.

Considering the facts and circumstances and the materials on record as well as the charges having been framed and the petitioner undertakes to cooperate in the trial, let the petitioner, above named be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with POCSO Case No. 06 of 2018 arising out of Barbigaha (Mission O.P.) P.S. Case No. 60 of 2018 to the satisfaction of the learned 1st Additional District and Sessions Judge, Sheikhpura, subject to the following conditions:



(1) One of the bailor would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(2) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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