

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71099 of 2018

Arising Out of PS. Case No.-310 Year-2018 Thana- BARBIGHA District- Sheikhpura

Rahul Kumar, S/o Rajesh Prasad @ Rajo Mahto @ Rajo resident of Mohalla Chandu Kuan, P.S. Barbigha, District Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Advocate
For the informant	:	Mr. Jagannath Prasad, Advocate.
For the Opposite Party/s	:	Smt. Anusuiya Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner, counsel for the informant and the State.

The petitioner seeks bail in POCSO Case No. 39 of 2018 arising out of Barbigha P.S. Case No. 310 of 2018 instituted for the offence under Sections 363, 366(A), 504, 506/34 of the Indian Penal Code and Section 8 of POCSO Act, 2012.

In the written report it is alleged that daughter of the informant namely, Sajal Kumari @ Shalu, who is student of Class-IX. went to school from her house and did not return. The informant made search and learnt that her neighbour Rahul Kumar (petitioner) is also traceless from his house. The informant went to house of Rajesh Prasad and asked about her



son. Then mother and sister of petitioner abused the informant and told that her daughter has been kidnapped by Rahul Kumar. They promised that her daughter would return after two days, but her daughter did not return.

The victim girl was recovered on 1.9.2018 in Mokama. Thereafter, she has given statement under Section 164 Cr. P.C. on 3.10.2018. The statement of victim girl recorded under Section 164 Cr. P.C. has been enclosed as Annexure-2 wherein she has stated that while she was going to school from her grand-mother's house, Rahul Kumar (petitioner) gave handkerchief to her to smell, on account of which, she became unconscious. Thereafter, she did not know where she was taken by the petitioner. She regained her consciousness after 5-6 days and found herself in Mokama Station where nobody was present at that time. She has later on stated that petitioner was with her at Mokama Station. She has also stated in her statement that she returned to village along with petitioner and his parents.

Counsel for the petitioner submits that from statement of victim girl recorded under Section 164 Cr. P.C. it appears that petitioner and victim girl were knowing each other. The victim girl was with the petitioner for about 3-5



days. She has not levelled any allegation of overt act against the petitioner during her stay with him.

Petitioner is said to be in custody since 1.10.2018.

Counsel for the informant has appeared and opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Sheikhpura, in connection with POCSO Case No. 39 of 2018 arising out of Barbigha P.S. Case No. 310 of 2018, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

S.Ali/-

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

