

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50210 of 2018

Arising Out of PS.Case No. -38 Year- 2017 Thana -KAMTAUL District- DARBHANGA

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Tripurari Mishra S/o Late Ram Bhagat Mishra, R/o Vill.- Madhopatti, P.s.-
Kamtaul, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-10-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner seeks bail in a case registered under
Sections- 363, 366A/34 of the Indian Penal Code and 4/8 of the
POCSO Act.

Earlier bail application of the petitioner was rejected by this
court vide order dated 23-05-2017 passed in Cr. Misc. No. 23501
of 2017 as two separate bail applications were filed on behalf of
the petitioner.

The prosecution case, in brief, is that minor daughter of the
informant was enticed away by son of the petitioner for the
purpose of marriage.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 11-03-2017 and the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge sheet has already been submitted in this case. The petitioner has been made accused in this case due to mistake of fact. The victim has been examined u/S 164 of Cr.P.C. in which, she has not supported the allegations made in the FIR. As per her statement recorded u/S 164 Cr.P.C., she was in love with son of the petitioner and she had eloped with him.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional District & Sessions Judge-cum-Special Judge (POCSO), Darbhanga in connection with Kamtaul P.S. Case No. 38 of 2017.

(Sudhir Singh, J)

A.K.V./-

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