

1. Chandan Kumar, Son of Sri Bhagwan Sahni, Resident of Village- Jalaha, Police Station- Sangrampur, District- East Champaran.

Versus

1. The State of Bihar.

.... Opposite Party/s

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Sri Bisheshwar Ram, APP

2 13-07-2018 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks bail in connection with Sangrampur P.S. Case No. 115/2017 for offences alleged under Sections 363, 366 (A), 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

The prosecution case, as alleged by the informant, is that his 16 year old daughter, namely, Gulshan Khatoon went for natural call in the morning of 02.07.2017, but did not return. It is alleged that the petitioner has taken her away for the purpose of marriage.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He has no criminal antecedent. It has been



submitted that the victim girl has given her statement before the Magistrate under section 164 Cr.P.C. that she had eloped with the petitioner in the year 2016 and has married the petitioner and is now 4 months' pregnant, which is as per annexure-2 of the application. He further submits that the victim lady has stated her age to be 20 years and the Magistrate has noted her age to be 21 years, as such she is a major and the provisions of the POCSO Act is not applicable against the petitioner. He further submits that the statement of the victim and the prosecution story are contradictory and the petitioner is languishing in the judicial custody since 16.05.2018 for no fault of his.

Learned APP for the State, however, opposes the prayer for bail.

Considering the aforesaid facts and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge, East Champaran at Motihari, in connection with Sangrampur P.S. Case No. 115 of 2017.

(Nilu Agrawal, J.)

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