

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44210 of 2018

Arising Out of PS.Case No. -505 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Chandrabhan Singh, S/o Munirka Singh, Resident of Village- Mahui,
P.S.- Ramnagar, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Shailendra Kumar -1

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 20-08-2018

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State. Learned counsel for the
informant is also present.

The petitioner has been in custody since 24.04.2018
in connection with Shikarpur P.S. Case No. 505/2017 registered
for the offences punishable under Sections 363/366A of the
Indian Penal Code and Section 12 of the POCSO Act.

Learned counsel for the petitioner submits that
though it is alleged that the petitioner kidnapped the girl who is
said to be a minor, the medical report indicates to be 17 years of
age and has also ruled out the allegation of any sexual assault. It
is further submitted that the petitioner and the informant's side are
related through marriage and the girl and boy have met with each
other and admittedly the girl in her statement under Section 164



Cr. P.C. has not alleged any misbehavior with herself.

Considering the aforementioned facts and circumstances and that age of the victim girl has been found to be between 17-19 years and the provisions of POCSO Act cannot be attracted and in view of the aforementioned facts and circumstances and also because the petitioner has got no criminal antecedent, 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 the learned 1st Addl. Sessions Judge-cum-Special Judge, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 505/2017.

(Anjana Mishra, J)

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