

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3285 of 2019

Arising Out of PS. Case No.-291 Year-2018 Thana- SHEKHPURA District- Sheikhpura *

Budhan Bind @ Budhan Kumar son of Suresh Bind, Resident of Village –
Kare, P.S.-Sheikhpura, District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 28-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State as well as learned
counsel for the informant.

The petitioner has been in custody since 19.12.2018
in connection with Sheikhpura P.S. Case No. 291/2018
registered for the offense punishable under Sections 366A,
376/34 of the Indian Penal Code and 04 of the POCSO Act.

Learned counsel for the petitioner submits that though
the girl was kidnapped and had subsequently been raped by two
other accused persons so far as the present petitioner is
concerned, it is the statement of the victim girl herself which
indicates that the petitioner had taken her from Gobra Munger to
Munger Town and, thereafter, the Sarpanch of the village had
been informed and the victim girl was recovered after the



parents were informed. It is submitted by learned counsel for the petitioner that having facilitated the recoveries of the girl, he may not be kept behind the bars. Admittedly, the petitioner was not a part of the gang which had either kidnapped or indulged her in other immoral act.

In view of such submissions, learned counsel for the informant submits that the victim girl was taken from Gobra Munger to Munger Town for the reason best known to the petitioner and for that he may also not be extended the privilege of bail as he was also a part of the gang.

Having considered the entire facts and circumstances and that four persons had, in fact, taken away the girl, but as per the diary, the petitioner's role is confined to the Panchayat Sarpanch being informed regarding her recovery and thereafter she was being sent into the custody of her parents. There is no material in the case to indicate the complicity of the present petitioner.

In view of the aforementioned facts and circumstances as has been stated hereinabove and also because the petitioner has 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 learned 1st Additional District and
Sessions Judge, Sheikhpura, in connection with Sheikhpura P.S.
Case No. 291/2018 (POCSO Case No. 10 of 2018).

(Anjana Mishra, J)

Saif/-

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

