

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17119 of 2019

Arising Out of PS. Case No.-126 Year-2018 Thana- BAIRIYA District- West Champaran

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Dharmendra Kumar, aged about 22 years (M), Son of Harendra Prasad,
Resident of Village- Malahi Tola, P.O.- Balua Rampurwa, P.S.-Bairiya,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-06-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bairiya
P.S. Case No. 126 of 2018 registered under Sections 363 and
366-A of the Indian Penal Code.

The prosecution story is that the informant Ramdhani
Prasad alleging therein that on 15.04.2018 at about 10 P.M., in
the night, when her daughter Antima Kumari, aged about 13
years, went to ease herself in the bathroom in front of their
rooms and saw Dharmendra Kumar and his father Harendra
Prasad dragging her away towards canal and kidnapped her
away taking advantage of darkness. The occurrence took place
on 15.04.2018 but F.I.R. was lodged on 18.04.2018.



Supplementary affidavit has been filed on behalf of the petitioner enclosing therein the statement under Section 164 Cr.P.C. and injury report of the victim.

In the statement under Section 164 Cr.P.C., the victim stated that Dharmendra Kumar took her house and kept for three days and also sexual harassment but medical report examined on 19.04.2018 by the lady doctor. On the basis of the radiology, pathologist and physical finding the age of the victim between 15 to 17 years of age and no injury was found on the internal or external genitalia and no result sign of sexual assault at preverb.

In the facts and circumstances of the case, there is contradiction under Section 164 Cr.P.C. and medical report, 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 1st Additional Sessions Judge-Cum-Special Judge under POCSO Act, West Champaran, Bettiah in connection with Bairiya P.S. Case No. 126 of 2018, subject to the following conditions :

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (2) The petitioner shall not indulge himself in any



similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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