

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15412 of 2019

Arising Out of PS. Case No.-661 Year-2018 Thana- JAYNAGAR District- Madhubani

GAURAV KUMAR Son of Tulsi Raman Kanth R/o village- Jainagar,
Anandpur Mohalla, P.S.- Jainagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur,
For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-04-2019 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

A supplementary affidavit has been filed on behalf of
the petitioner which is kept on record.

Counsel for the petitioner is permitted to make
necessary correction in paragraph 3 of the main allegation in the
light of statement made in the supplementary affidavit in course
of day.

The petitioner seeks bail in a case instituted for the
offences under Sections 366, 366(A) of the Indian Penal Code
and 12 of the POCSO Act.

The prosecution case in short is that the accused
persons forcibly abducted the minor daughter of the informant.

It has been submitted on behalf of the petitioner that



the petitioner is in custody since 30.11.2018. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. There is vast contradiction of the statement of victim made under sections 161 and 164 of the Cr.P.C. The date of occurrence is 26.11.2018 but the F.I.R. has been registered on 30.11.2018. The delay in lodging the F.I.R. has not been explained. The medical examination report does not support the allegation of any sexual assault.

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

Considering the aforesaid facts and circumstances, it is directed that 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 Special Judge, POCSO, Madhubani in connection with Jainagar P.S. Case No. 661 of 2018.

(Sudhir Singh, J)

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