

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20721 of 2019

Arising Out of PS. Case No.-30 Year-2017 Thana- NADI District- Supaul

=====

ARBIND KUMAR @ ARBIND KAMAT Son of Girindra Kamat Resident of
Village - Manoharpatti, P.S.- Supaul Nadi, Distt - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Mr.Bharat Lal

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Supaul Nadi P.S. Case No. 30 of 2017 giving
rise to POCSO-30/2017 registered for the offence punishable
under Sections 365, 366(A), 506, 120(B) of the Indian Penal
Code and 4/6 of POCSO Act.

Informant has alleged in his written complaint that
on 02.12.2017 at 12.00 'o' when he woke up, he could not find
his daughter Sabita Kumari, aged about 15 years in her room,
even after much search she could not be located and he came to
know that his daughter Sabita has been kidnapped by co-
accused Deepak Kamat and other co-accused and allegation
against petitioner is of conspiracy. The name of petitioner has



surfaced during investigation when on recovery the victim named the petitioner and others.

It has been submitted on behalf of the petitioner that occurrence took place on 02.12.2017 but FIR was registered on 05.12.2017. According to medical examination the victim was found aged 18-19 years and prima facie, no offence under POCSO Act is made out. The medical evidence does not support any sexual assault on the victim. It has been further submitted that statement of victim was recorded under Section 164 Cr.P.C. in which she has named the petitioner also, as accomplice of Deepak Kamat and other FIR named accused persons but there is specific allegation against co-accused Deepak Kamat that he established forceful relationship with her. Similarly placed co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court as contained in Annexure-3. Petitioner has no criminal antecedent and he is in custody since 07.02.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-1st, Supaul, in connection with Supaul Nadi P.S. Case No. 30 of 2017 giving rise to POCSO-30/2017



subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

veena/-

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

