

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45685 of 2019**

Arising Out of PS. Case No.-181 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

Vikash Kumar Son of Krishna Prasad Resident of Village-Bajnathpur
(Lodipur), P.S.-Khijarsarai, District-Gaya ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner :Mr.Umesh Kumar, Advocate
For the State :Mr.Bal Mukund Prasad Sinha, Addl Public Prosecutor
for the informant : Mr. Sanjay Kr.Sharma, Advocate

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 20-09-2019 Heard learned counsel for the parties and perused the case diary.

Petitioner is an accused in a case registered for the offence punishable under sections 366A/34 of the Indian Penal Code and under section 8 of the POCSO Act.

It is alleged that the petitioner, with the aid of Akanksha Kumari and Parle Jee, abducted informant's daughter Sarswati Kumari, aged 15 years for forcing her to marry him.

Learned counsel for the petitioner submits that the petitioner is cousin brother-in-law of the victim and the allegation is false as he is happily spending family life in Delhi with his wife and two children. Petitioner has been implicated in this case only on suspicion based on the Call Details Report analyzed during investigation. The victim, as per the medical board's report, is 17 to 18 years old at the time of occurrence and has not made any allegation against the petitioner in her statement made under section 164 Cr.P.C. Petitioner is in custody since 14.5.2019.

Learned counsel for the informant vehemently opposes the prayer for bail. He submits that the victim is minor as per the FIR.



In view of the facts and circumstances of the case as well as in view of the age of the victim assessed by the medical board and her statement made under section 164 Cr.P.C., prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, 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 Additional Sessions Judge I, Jehanabad in Makhdumpur Police Station Case No. 181 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

Shashi

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

