

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69914 of 2019**

Arising Out of PS. Case No.-456 Year-2019 Thana- SAHARSA District- Saharsa

AKSHAY KUMAR @ JATRA Son of Sri Parmeshwar kamat Resident of
Village - Kahra, Ward No.14, P.S.- and Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary
For the Opposite Party/s : Mr.Shyam Bihari Singh

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

3 04-12-2019 Heard the learned counsel for the petitioner, the
learned APP and the learned counsel for the informant.

The petitioner seeks bail in Special (POCSO) case
No. 34/2019, arising out of Saharsa Sadar P.S. case No.
456/2019, registered under Section 363, 365, 366A of the IPC
and u/s 8, 10 and 12 of POCSO Act.

The informant alleged that while she along with her
family members were engaged in the preparation of marriage of
her niece, in the morning her daughter/ victim aged about 13
years went towards school to ease out but Akshay Kumar @
Jatra, the petitioner, Bhikhari Kamat, Parmeshwar Kamat and
Sita Devi kidnapped her daughter. On the cry of her daughter
the women who had gone to ease out informed the informant
about the incident.



The learned counsel for the petitioner submits that the victim appeared and made her statement u/s 164 of the Cr. P. C. From the statement of victim it would appear that the occurrence took place 2-3AM in the night and the petitioner came on a bike and put handkerchief on her mouth. She became unconscious and the petitioner took her to different places. When she got consciousness she found that petitioner brought her to Dehradun on train. It is further submitted that the victim did not make any allegation of outraging her modesty. The statement of the victim itself shows that she was a consenting party. The victim appears to be major. The petitioner is in jail since 26.07.2019. It is submitted that the medical board assessed the age of the victim between 14-16 years but the victim in no way is below 18 years.

The learned counsel for the informant opposed the prayer for bail and submitted that the victim is a minor girl.

It appears that the informant alleged that the occurrence took place at 5 AM in the morning when her daughter went to ease out but the daughter of the informant in her statement u/s 164 of the Cr. P. C. narrated a different story of her kidnapping and she disclosed that she went outside her house to ease out in between 2-3 AM and the petitioner came on



motor cycle and put handkerchief on her mouth. She became unconscious. The petitioner alone kidnapped the victim and took her to Dehradun. The victim did not allege any ill treatment at the hands of the petitioner.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Saharsa in connection with Special (POCSO) case No. 34/2019, arising out of Saharsa Sadar P.S. case No. 456/2019.

(Prabhat Kumar Jha, J)

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