

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80420 of 2019

Arising Out of PS. Case No.-309 Year-2019 Thana- SASARAM NAGAR District- Rohtas

CHANDESHWAR KUMHAR Son of Late Mahavir Kumhar Resident of
Village - Songawan, P.O.- Kikaria, P.S.- Darigaon, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner in the present case is seeking regular bail in connection with POCSO Case No. 30/2019 arising out of Sasaram (Darigaon) P.S. Case No. 309/2019 registered under Sections 366(A)/34 of the Indian Penal Code and 08 of POCSO Act.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case on mere suspicion only on the ground that he is father of co-accused Suman Kumar who eloped with the daughter of the informant, however petitioner has no criminal antecedent and he is in custody since 29.06.2019.

Learned A.P.P. for the State has opposed the prayer for



bail.

Considering the facts and circumstances of the case wherein it is the allegation against the petitioner that daughter of the informant was taken to the house of the of this petitioner by the daughter of this petitioner and thereafter when the informant went on search he was told that his daughter had gone with the son and the daughter of this petitioner who are relatives also but when the informant apprehended that his daughter has been kidnapped and allured for the purpose of some immoral act, her daughter on her appearance made a statement under Section 164 Cr.P.C. before the learned Magistrate in which she has not taken the name of this petitioner and no allegation of his active participation in the alleged act of kidnapping has been described by the victim girl and it is evident from the order of the learned 1st Additional District & Sessions Judge, Sasaram that the victim girl has not implicated this petitioner, petitioner having remained in jail for almost six months and has otherwise no criminal antecedent and there is no submission on behalf of the State that the release of the petitioner is in any way likely to influence the witnesses or interfere with the progress of the trial, let the above-named petitioner be released on bail furnishing bail bond of Rs.



15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, POCSO Act, Rohtas, Sasaram, in connection with POCSO Case No. 30/2019 arising out of Sasaram (Darigaon) P.S. Case No. 309/2019, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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