

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 431 of 2020

Arising Out of PS. Case No.-25 Year-2019 Thana- MAHILA P.S. District- Sheikhpura

Amarjit Mahto, aged about 25 years, Sex Male, Son of Dinesh Mahto,
Resident of Village-Gagri Police Station-Sheikhpura, District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-05-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Sheikhpura Mahila P.S. Case No. 25 of 2019 arising out of POCSO Case No.15 of 2019 registered for the offences punishable under Sections 363, 3663(A), 323, 504, 506/341 of the Indian Penal Code and Section 8 of POCSO Act.

The prosecution case is that the informant Gouri Devi, wife of Arun Singh gave a written report to the Sheikhpura Mahila Police Station stating therein that on 05.05.2019, her “Natni” namely Kajal Kumari aged about 14 years, whose mother died and reside with her went outside her home and did not return. The informant began to search Kajal Kumari but she could not trace out. During search, the informant knew from the villagers that Aamrjeet Kumar, son of Dinesh Mahto has taken



away by inducing her Natni Kajal Kumari. When the informant went to the house of petitioner to enquire about the matter the petitioner and his father abused and threatened her.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the petitioner has no criminal antecedent. Actually, there was love affairs of the victim girl with the petitioner prior to the alleged occurrence. The victim girl has clearly stated before the police that six months before the alleged occurrence, love affairs was going on and also stated that 5-6 days before the alleged occurrence, she had gone to the house of the petitioner for solemnizing marriage, but with the intervention of her co-villager Bihari Singh went to his parental home at village Sultanpur. He further submits that other witnesses have clearly stated before the police that prior to alleged occurrence victim girl several times went away to the house of the petitioner. The victim girl herself went away with the petitioner and solemnized marriage with the petitioner. The statement of the victim girl under Section 164 Cr.P.C. totally falsified the prosecution case. She has not disclosed about the date of occurrence and any type of assault against the petitioner. The victim girl has not been recovered from possession of the petitioner. There is no overt



act against the petitioner. He further submits that the petitioner is in jail custody since 11.07.2019.

In the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of 1st Additional District and Sessions Judge, Sheikhpura in connection with Sheikhpura Mahila P.S. Case No. 25 of 2019 arising out of POCSO Case No.15 of 2019.

(Anjani Kumar Sharan, J)

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