

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8264 of 2020

Arising Out of PS. Case No.-403 Year-2019 Thana- SASARAM NAGAR District- Rohtas

MUNNA BIND S/o Rajgrihi Bind R/o village- Barka Gaon, P.S.- Belaon,
District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Anuj Kumar Shrivastava, the learned A.P.P. appearing for the State.

The petitioner apprehends his arrest in connection with POCSO Case No. 47 of 2019, arising out of Sasaram (Darigaon) P.S. Case No. 403 of 2019 for the offence punishable under Section 366(A) of the POCSO Act.

The case of the prosecution in brief is that on 22.04.2019 at about 2:00 P.M. in the afternoon, the daughter of the informant was lured away by the co-accused person namely



Bablu Kumar for the purposes of marrying her, whereafter the informant is stated to have searched for the victim girl, however, she could not be traced. It is further alleged that the other accused person including the petitioner herein had helped the said accused person namely Bablu Kumar in kidnapping the girl.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a clean antecedent and has been falsely implicated in the present case. The learned counsel for the petitioner has referred to the statement made by the victim girl under section 164 Cr. P. C. before the learned Magistrate to show that the victim girl has simply stated that she was not kidnapped and she had on her own gone to Delhi inasmuch as her sister stays at Faridabad and thereafter the sister of the victim girl had phoned her mother and told that the victim girl had come to her place. It is further submitted that the victim girl has also refused to undergo any medical check up, hence the petitioner is having no complicity in the matter.

Per contra, the learned Additional Public Prosecutor appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the victim girl herself has disclosed in her statement under section 164 Cr. P.C. before the learned Magistrate that she had on her own gone to Delhi and nobody had kidnapped her, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners above-named, is directed to be enlarged on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Rohtas at Sasaram in connection with POCSO Case No. 47 of 2019 arising out of Sasaram (Darigaon) P.S. Case No. 403 of 2019, subject to the condition as laid down under Section 438(2) Cr. P. C.

(Mohit Kumar Shah, J)

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