

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8715 of 2020

Arising Out of PS. Case No.-338 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

CHANDAN KUMAR Son of Budhram Paswan Resident of Village - Chadh,
P.S.- Makhdumpur, Dist.- Jehanabad.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate.

For the State : Mr. Chandra Bhushan Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 02-06-2020 Heard through Video Conferencing.

The petitioner seeks bail in connection with Special POCSO Case No.55 of 2019, arising out of Makhdumpur P.S. Case No.338 of 2019, registered under Sections 363 and, later on, added Sections 366(A) and 376 of the Indian Penal Code and Section 4 of the POCSO Act.

The accusation is that in the morning of 22.07.2019, the daughter of the informant Shivnath Mistri, aged about 16 years, moved from the house for going to her Nanihal in Mohalla- Malahchak, near Pani Tanki Police Station, District-Jehanabad, but she did not return. While the informant searched his daughter but could not find any trace of his daughter.

Submission is that, in fact, due to love affair with the petitioner, the daughter of the informant moved from the house with



the petitioner and started to live with the petitioner at a rented room from where the petitioner and the daughter of the informant was recovered. In course of investigation, while the Investigating Officer recorded the statement of the petitioner, as detailed in paragraph-63 of the case diary, but the Investigating Officer did not take pain to record the statement of the daughter of the informant under Section 161 of the Code of Criminal Procedure or get recorded her statement under Section 164 of the Code of Criminal Procedure. The daughter of the informant was not medically examined. Further submission is that the petitioner is in custody since 19.08.2019 and, on investigation, the police has already submitted the chargesheet against the petitioner.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I, Jehanabad, in connection with Special POCSO Case No.55 of 2019, arising out of Makhdumpur P.S. Case No.338 of 2019.

(Rajendra Kumar Mishra, J)

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