

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21352 of 2020**

Arising Out of PS. Case No.-204 Year-2018 Thana- KARJA District- Muzaffarpur

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AMIT KUMAR @ ADITYA KUMAR Son of Ratan Singh @ Ratnesh Kumar
Singh Resident of Village- Akhtiyarpur, P.S.- Karja, Distt.- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-07-2020 Heard learned counsel for the petitioner and Mr. Uday
Pratap Singh, learned APP for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Karja P.S. Case No. 204/2018 registered for
the offences under Sections 342, 363, 366(A) of the Indian
Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that as per
the First Information Report lodged by father of the victim girl,
on 03.10.2018 while the victim girl was going to attend the call
of nature one white colour four wheeler arrived on the spot and
on the point of pistol two persons got her seated in the vehicle
and after tying her mouth she was prevented from raising any
alarm.

The victim girl returned on the next day of morning at



4:00 A.M. and narrated the aforesaid story, she identified two of them and the petitioner has been named by the victim as one of those persons who had forcibly taken her in the vehicle. She alleged that the four persons who were there in the vehicle had indulged in eve-teasing and then they dropped her near bridge from where she arrived at her house in the morning hour.

Learned counsel for the petitioner submits that the petitioner and the victim girl are from the same village. Although the vehicle is said to have arrived at her house in the morning at 4:00 A.M., the present F.I.R. has been lodged 4 days after the alleged occurrence. No information was given to police about missing of the victim girl on 03.10.2018. The victim girl was also not presented immediately for her statement under Section 164 Cr.P.C., however, later on she recorded her statement under Section 164 Cr.P.C. in which only vague statement has been made. There is no allegation of sexual assault and in course of medical examination the victim girl has been assessed between 18 to 19 years having no external or internal injury on her body and no sign of sexual assault.

It is further submitted that in course of investigation it has come that the victim girl was talking to some boys in the village which was being objected by her father then witnesses



came to know that some boys from the village had taken her in the car.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner but having noticed the materials available on the record showing that the victim girl is major and from the statement of the independent witnesses in the case diary it appears that she was having some humor with local village boys and this was being objected by her father for this reason and further that the alleged missing of the victim girl was not reported to the police on 03.10.2018 and after four days the present F.I.R. has been lodged, the medical examination report does not find any sexual assault on any part of the body of the victim girl and she has not alleged any attempt of sexual assault by the petitioner, the petitioner being aged about 21 years and said to be a student and the investigation against him is complete and there being no submission on behalf of the State that his release is likely to interfere with the course of trial, let the petitioner above named be released on bail in connection with Karja P.S. Case No. 204/2018 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Additional Sessions Judge – I, cum Special Judge, POCSO Act, Muzaffarpur, subject



to the conditions as laid down under Section 437(3) of the 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, or 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

