

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29812 of 2020

Arising Out of PS. Case No.-568 Year-2020 Thana- MADHEPURA District- Madhepura

LUCKY KUMAR, aged about 21 years, Gender-Male, S/o Mithilesh Kumar Sah @ Mithilesh Kumar, Resident of Village- Bhirkhi Ward No.25, P.S. and District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shailendra Kumar Singh, Advocate.
For the Opposite Party : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-11-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

A supplementary affidavit has been filed on behalf of the petitioner. The same be kept on the record.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 341,323, 366(A), 504, 506, 379/34 of



the I.P.C. and 4 of POCSO Act.

The prosecution story, in brief, is that on 26.07.2020 at about 4.00 A.M. in the morning, co-accused Rahul Raj @ Chhotu kidnapped the niece of the informant, namely, Stuta Kumari, aged about 15 years, on a vehicle for the purpose of marriage. When the informant went to the house of Rahul Raj @ Chhotu, co-accused Mithilesh Sah @ Lagan Sah, his wife, Lucky Kumar (petitioner), Soni Kumari abused and assaulted him. When the informant returned his house, Rs. 1,00,000/- was also missing from the Box.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 28.07.2020. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The victim has been recovered and her statement under Section 164 Cr. P.C. has been recorded. She has denied the allegation made in the F.I.R. She has left her house out of her own will and she got married with the brother of the petitioner. The said 164 Cr. P.C. statement is enclosed to the supplementary affidavit filed on behalf of the petitioner.



On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VI-cum-Special Judge, POCSO, Madhepura, in connection with POCSO Case No. 24/20, arising out of Madhepura (Bharrahi O.P.) P. S. Case No. 568/2020.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

