

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30310 of 2020

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

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BALENDRA KUMAR Son of Ramnath Sahani Resident of Village-
Akhtiyarpur, P.S.- Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Adv.

For the Opposite Party/s : Md. S.M.Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-11-2020 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 Md. S.M.Rahman, the learned APP for the State.

The petitioner seeks regular bail in connection with Karja P.S. Case No. 204 of 2018, registered for the offence punishable under Sections 342, 363/366A of the Indian Penal Code and Section 8 of the POCSO Act.



The case of the prosecution as per the FIR lodged by the father of the victim girl is that on 3.10.2018, when 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 made her sit in the vehicle and after tying her mouth, the said two persons and the other persons sitting in the vehicle had forcibly taken away the victim girl, whereafter they had indulged in eve-teasing and then, they had dropped the victim girl near the bridge from where she had come back to her house in the morning hour.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 06.07.2020. The learned counsel for the petitioner has submitted that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 09.07.2020 passed in Criminal Miscellaneous



No. 21352 of 2020 and it has further been stated by referring to the order dated 09.07.2020 that the same would show that the statement of the victim girl was recorded under Section 164 Cr.P.C. by the learned Magistrate wherein only vague statement has been made and there is no allegation of sexual assault and moreover, during the course of medical examination, the age of the victim girl has been assessed in between 18-19 years and neither any external nor any internal injury has been found on the body of the victim girl nor any sort of sexual assault has been found.

Per contra, the learned APP 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 parity of the case of the petitioner with that of the co-accused person, who has already been granted bail, apart from taking into account the statement made by the victim girl under Section 164 Cr.P.C., as has been detailed in



the order dated 09.07.2020 passed by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged 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 learned 10th Additional District & Sessions Judge cum Special Judge POCSO Act, Muzaffarpur in connection with Karja P.S. Case No. 204 of 2018.

(Mohit Kumar Shah, J)

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