

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33657 of 2020

Arising Out of PS. Case No.-638 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Kaushal @ Kaushal Kumar, aged about 20 years, Male, S/o Nand Kishor Singh, R/o Vill-Gouspur Ijra, P.S.-Sadar, Dist-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Rajeev Ranjan No.II, Advocate.
For the Opposite Party : Mr. Praveen Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2020 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.

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

The petitioner seeks bail in a case for the offence registered under Sections 363 and 366(A) of the I.P.C. Later on, Sections 376 of the I.P.C. and 4 of the POCSO Act were also added.

The prosecution story, in brief, is that the daughter of



the informant, aged about 17 years and is a student of Class-VIIIth, had been induced by one Saddam and other unknown persons and kidnapped her for the purpose of getting her married. The informant saw the photo of Saddam on the *Whatsapp* of Mobile and alleged that she has suspicion on him.

It has been submitted by learned counsel for the petitioner that the petitioner is 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 petitioner is not named in the F.I.R. His name has transpired in the present case in course of investigation. Subsequently, a petition has been filed by the informant in the learned court below where she has retracted from her earlier statement made in the F.I.R. The same is Annexure-2 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid 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 Only) with two sureties of the like amount each to the



satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Vaishali at Hajipur, in connection with Sadar P.S. Case No. 638 of 2020.

(Sudhir Singh, J)

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