

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34977 of 2020

Arising Out of PS. Case No.-138 Year-2020 Thana- NAYA RAM NAGAR District- Munger

Pratik Kumar Son of Sri Pramod Sah Resident of Village-Farda Jagdambapur,
P.S.-Naya Ram Nagar, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar .

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-12-2020 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 Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Nayaramnagar (Safiasarai) P.S. Case No. 138 of 2020 for the offence punishable under Sections 366(A)/34 of the Indian Penal Code as well as section 8 of Protection of Children from Sexual Offence Act, 2012.

The case of the prosecution in brief, according to the informant, is that on 12.08.2020 at 7 P.M. while her daughter was at her house, her friend Aakansha Kumari along



with his brother i.e. the petitioner herein had come to the house and requested to allow the victim girl to go to their house on the occasion of her birthday ceremony, where-after the daughter of the informant had gone with them, however, when she did not return till 10:00 P.M. in the night, the informant along with his brother had gone to the house of the accused person, however, they had abused and misbehaved with the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 22.08.2020. The learned counsel for the petitioner, by referring to the statement made by the victim girl under Section 164 of the Cr. P. C., before the learned Magistrate, has stated that the victim girl is major and she has herself stated that she had voluntarily left her house on 13.08.2020 at about 8:00 A.M. in the morning and had caught a bus to Patna and from Patna she had taken a train for Haryana, whereupon she had got down at New Delhi railway station, however, she was not able to understand as to what was to do, hence, she had taken a mobile phone from a shop-keeper and had called the petitioner. It is further stated that the petitioner had then arrived there and had then called the mother of the



victim girl and then the police was informed, whereafter the police had arrived there and caught the victim girl as also the petitioner herein.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the statement made by the victim girl under Section 164 Cr. P. C., before the learned Magistrate, to the effect that she had voluntarily gone to Delhi and had called the petitioner, whereafter the petitioner had informed her mother that her daughter has come to Delhi and further considering the fact that the victim girl has been found to be major, upon medical examination by the medical Board, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Court (POCSO Act), Munger in connection



with Nayaramnagar (Safiasarai) P.S. Case No. 138 of 2020.

(Mohit Kumar Shah, J)

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