

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70619 of 2019

Arising Out of PS. Case No.-132 Year-2019 Thana- BARH District- Patna

Sanjay Kumar aged about 50 years (Male) Son of Tribhuvan Ram Resident of
Tari, Muhalla, Ara @ Arrah, P.S.- Ara @ Arrah (Town), District- Bhojpur, Ara
@ Arrah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 29-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Barh P.S. Case No. 132 of
2019 registered for the offence under Sections 370, 376(A) &
(B) of the Indian Penal Code, Section 4 & 6 of POCSO Act,
2012 and Sections 3, 4, 5, 7 of the I.T.P.Act, 1956.

As per F.I.R., it is case of abduction and confinement
of the victim for the purpose of prostitution.

It is submitted on behalf of petitioner that petitioner is
innocent and he has falsely been implicated in this case. It is
further submitted that petitioner has no concern with the
business of brothel, which is evident from the statement of the
victim girl recorded under Section 164 of the Cr.P.C. (Annexure
2 to the petition), in which, the victim has not made any
allegation against the petitioner. In the statement, she has stated
that this petitioner had helped her and he (petitioner) went to the



house of parents of the victim and informed about her, upon which, her mother came with police and thereafter, police recovered her. In this case, chargesheet has already been submitted and there is also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 12-03-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as statement of victim u/s 164 Cr.P.C., let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District Judge-cum-Spl. Judge, POCSO, Patna in connection with Spl. Case No. 46 of 2019 (arising out of Barh P.S. Case No. 132 of 2019) on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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