

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75136 of 2019

Arising Out of PS. Case No.-149 Year-2019 Thana- SHAHKUND District- Bhagalpur

SUNNY SINGH, Son of Bhupesh Singh, Resident of Village - Bakchappar,
P.S.- Sahkund, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 04-06-2020 The matter has been taken up through virtual Court proceeding.

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

The present application has been preferred with a prayer for grant of bail in a case registered for the offence punishable under Sections 366A, 120B/34 of the Indian Penal Code and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case as per the written report of Juli Devi submitted before the Sahkund Police Station is to the effect that two daughters of the informant hereinafter addressed as 'A' 16 years old and 'B' 15 years old went traceless on 07.06.2019. Subsequently, the informant came to known that Sunny Singh, the petitioner and co-accused,



Krishna Mohan Singh, Dharmendra Singh, Priyanshu Raj, Asha Devi, Moni Devi are responsible for the kidnapping of her two daughters.

It is submitted by learned counsel for the petitioner that statement under Section 164 of the Cr. P.C. of one of the victim girl was recorded wherein she has stated that she was known to the petitioner since last two years and subsequently, they fall in love. Hence, on 07.06.2019, she of her own will eloped with the petitioner. The victim 'A' also claimed to have performed marriage with the petitioner in a temple at Bhagalpur. During medical examination, her age has been assessed by the doctor between 17 to 19 years whereas the other victim girl addressed as 'B' has stated in her statement recorded under Section 164 of the Cr. P.C. that she was in love with co-accused, Krishana Mohan Singh and she also of her own eloped with him on 07.06.2019 and performed marriage with him in a temple at Bhangalpur. During medical examination, the doctor has assessed her age between 16 to 18 years. The petitioner is languishing in custody since 16.09.2019

Learned APP for the State submits that the the accusation is specific against the petitioner in the FIR, but in



view of the statement of the victim girls recorded under Section 164 of the Cr. P.C. and the medical reports, it is difficult to support the accusation under Section 366 A of the Indian Penal Code and POCSO Act.

Considering the rival submissions of the parties and keeping in view the fact that in the statement under Section 164 of the Cr. P.C., the accusation of kidnapping has not been supported by the victim and the medical report suggests the age of the victim between 17 to 19 years, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, (POCSO), Bhagalpur, in connection with POCSO Case No. 62 of 2019, arising out of Sahkund P.S. Case No. 149 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be



confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned learned 1st Additional Sessions Judge-cum-Special Judge, (POCSO), Bhagalpur, in connection with POCSO Case No. 62 of 2019, arising out of Sahkund P.S. Case No. 149 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

(Dinesh Kumar Singh, J)

Ashwini/-

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

