

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86081 of 2019

Arising Out of PS. Case No.-30 Year-2017 Thana- NADI District- Supaul

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DIPAK KUMAR KAMAT @ DIPAK KAMAT Son of Domi Kamat Resident
of Village-Panchgachhiya (ward no.15) Manharpatti P.S.-Supaul Nadi,
District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-02-2020 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence
punishable under Sections 365/366(A)/506/120(B) of the
Indian Penal Code and Sections 4/6 of POCSO Act.

Allegation against petitioner is of kidnapping the
daughter of informant with help of co-accused Shiv Kumar
Kamat, Domi Kamat, Badri Kamat, Bechan Kamat, Sujan Devi,
Sangita Devi and Arvind Kamat.

Earlier also, petitioner had moved this Court for grant
of regular bail which was rejected vide Annexure 1 with a
direction to the trial court to expedite the trial and conclude the
same within six months.

It has been submitted on behalf of the learned counsel



for the petitioner that victim girl has gone with the petitioner on her own volition and sweet will. Allegation in FIR that she was kidnapped while sleeping in room is not believable. Occurance is of 2.12.2017 whereas FIR was lodged on 5.12.2017. It has further been submitted that according to medical report, age of the victim girl is between 18-19 years as such no offence under Section 4/6 of POCSO Act is made out. Petitioner has no criminal antecedent and he is in custody since 06.12.2017.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Supaul Nadi P.S. Case No. 30/2017 giving rise to POCSO - 30/2017, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

(S. Kumar, J)

Sanjay/-

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