

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15224 of 2021

Arising Out of PS. Case No.-13 Year-2020 Thana- PURUSHOTTAMPUR District- West
Champaran

RAKESH KUMAR Son of Ramagaya Giri Resident of Village -
Purushottampur, P.S.- Purushottampur, Distt.- West Champaran.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Murari Sharan Tiwari, Advocate.
For the State	:	Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 23-11-2021 The applicant/accused in Crime No.13 of 2020 registered with Police Station-Prushotampur for the offences punishable under Sections 363, 366(A) read with Section 34 of the Indian Penal Code as well as under Section 8 of the Protection of Children from Sexual Offences Act by this application is seeking his release on bail during the pendency of the trial.

Heard learned counsel appearing for the applicant/
accused.

He argued that the charge-sheet is already filed and the victim female child has not stated anything against the applicant in her police statement as well as under Section 164 of the Code of Criminal Procedure.



Learned Additional Public Prosecutor opposed the application.

I have perused the case diary as well as the F.I.R.

In the F.I.R. filed by the mother of the victim female child, it is alleged that on 09.02.2020, her minor female child came to be kidnapped by the present applicant. The age of the victim female child is stated to be 15 years in the F.I.R. lodged by her mother. The police statement of the victim female child found at entry no.50 of the case diary shows that she had voluntarily accompanied the applicant and returned back to the house on 09.02.2020 itself. Her statement under Section 164 of the Code of Criminal Procedure was recorded by the learned Judicial Magistrate wherein she has not attributed any overt act on the applicant and has stated that she accompanied the applicant. Ossification test of the victim female child shows that she is aged 16 years-17 years. There is an error of two years on either side in ossification test.

Considering the materials available in the charge-sheet and the nature of the evidence against the applicant, he deserves to be released on bail as charge-sheet has already been submitted. Hence, the order:

(i). The application is allowed.



(ii) The applicant/accused in Crime No.13 of 2020 registered with Police Station-Prushotampur for the offences punishable under Sections 363, 366(A) read with Section 34 of the Indian Penal Code as well as under Section 8 of the Protection of Children from Sexual Offences Act be released on bail on executing P.R. bond of Rs.15000/-(Rupees Fifteen Thousand) with one or two sureties of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not contact the victim female child or her relatives in any manner during the pendency of the trial.

(A. M. Badar, J)

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