

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19854 of 2021

Arising Out of PS. Case No.-118 Year-2020 Thana- DEO District- Aurangabad

NITESH KUMAR SON OF PRAMOD THAKUR R/O- VILL-
NARAYANPUR, PS- AMAS, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-10-2021 Heard the parties.

The petitioner seeks bail in connection with Deo P.S. Case No.118 of 2020, registered for the offence punishable under Sections 366/366A, 376 of the IPC and sections 4, 6 and 8 of POCSO Act.

The prosecution case in short is that the informant's daughter went to market on 12.10.2020 at around 10.00 A.M but she did not return. Later on, it came to his knowledge that the petitioner has kidnapped her daughter for the purpose of marriage.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place in the manner alleged. He has been falsely implicated in this



case. The statement of the victim was recorded under section 164 Cr.P.C. in which she stated that she left her home with the accused/petitioner with her own consent. They got married in a temple in Gaya. It has come in para-40 of the case diary that the victim has not given consent for her medical examination, therefore, her age could not be determined by the doctor. During the statement of the victim u/s 164 Cr.P.C., the Magistrate has recorded her age as 16 years. The petitioner has no criminal antecedent and has been languishing in custody since 18.10.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since the victim has not supported the prosecution case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI-cum- Special Judge, POCSO Act, Aurangabad, in connection with Deo P.S. Case No.118 of 2020.

(Anjani Kumar Sharan, J)

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