

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37068 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- NAUHATTA District- Saharsa

Aadarsh Kumar Sah @ Adarsh Kumar @ Adarsh Kumar Sah Son Of Arjun
Sah Resident Of Village - Nauhatta, P.S.-Nauhatta, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Chandra Mohan Jha
For the Opposite Party/s :	Mr. Ajit Kumar
	Mr. Dinkar Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-12-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with POCSO
11 of 2021 arising out of Nauhatta P. S. Case No.27 of 2021,
instituted for the offences under Sections 341, 363, 342, 323,
307, 34, 354B of the Indian Penal Code and Section 8 of the
POCSO Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 24.02.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the prosecution case as per the informant is that this



petitioner along with co-accused persons kidnapped the daughter of the informant and tried to outrage her modesty.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The statement of the victim recorded under Section 164 of the Cr.P.C. in which she has stated that though this petitioner along with two other persons kidnapped her, but she has not alleged any misbehaviour or any sexual assault against this petitioner.

Learned counsel for the informant as well as learned A.P.P. vehemently opposed the bail application and submits that the victim is a minor, but is not able to meet the submission by the learned counsel for the petitioner that the victim has not alleged anything against this petitioner in her statement recorded under Section 164 of the Cr.P.C. regarding misbehaviour or sexual assault and that similarly situated co-accused has been granted bail by order dated 15.11.2021 in Cr. Misc. No.38113 of 2021 (Amit Kumar vs. the State of Bihar).

Considering the fact that the petitioner is in custody since 24.02.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and similarly situated co-accused has been granted bail, the petitioner, above-named, is



directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st -cum-Special Judge, POCSO Act, Saharsa in connection with POCSO 11 of 2021 arising out of Nauhatta P. S. Case No.27 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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