

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36611 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- JOGBANI District- Araria

PINTU KUMAR DAS Son of Shivanand Das Resident of Village- Mirganj,
Ward No. -9, P.S.- Jogbani, District- Araria.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Ramesh Kumar Singh, Advocate
For the State	:	Mr. A.P.P.
For the Informant		

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

6 15-11-2021 The applicant/accused in Crime No.69 of 2019 registered with Police Station-Jogbani (Bathnana) for the offences punishable under Sections 363, 366-A of the Indian Penal Code at the instance of the first informant Bharat Kumar Mandal by this application is seeking regular bail.

Heard learned counsel appearing for the applicant.

He drew my attention to the statement of the victim girl in order to demonstrate that no ingredients for the offence punishable under Section 366-A of the Indian Penal Code can be reflected from the said statement recorded under Section 164 of the Code of Criminal Procedure by the learned Judicial Magistrate. He further argued that there is no iota of evidence so far the offence punishable under Section 366-A of the Indian



Penal Code is concerned. The remaining offence under Section 363 of the Indian Penal Code being bailable, the applicant deserves to be enlarged on bail.

Learned Additional Public Prosecutor opposed the application by contending that the applicant had procured the minor female child for forcing and seducing illicit intercourse. Therefore, the applicant is not entitled for bail.

I have considered the submissions so advanced and perused the materials placed before me including the F.I.R. and the statement of the victim female child recorded by the learned Judicial Magistrate.

It is seen that the applicant is relative of the prosecuting party. The victim female child has only averred that when she was under the influence of some medicines for her disease of epilepsy, she might have been kidnapped. On regaining consciousness, she was found in a room with the applicant and his paternal relatives.

Prima facie, it is seen that the victim female child has not averred anything about taking her for the purpose of forcing or seducing her to illicit intercourse. The victim female child is stated to be found on 18.03.2019 itself and investigation is reportedly over.



In this view of the matter, the application is allowed.
The applicant/accused in Crime No.69 of 2019 registered with Police Station-Jogbani (Bathnana) for the offences punishable under Sections 363, 366-A of the Indian Penal Code be released on bail on executing P.R. bond of Rs.15000/-(Rupees Fifteen Thousand) on furnishing surety in 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 application should cooperate the trial in expeditious disposal of the trial against him.

(A. M. Badar, J)

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