

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32850 of 2020

Arising Out of PS. Case No.-758 Year-2019 Thana- FORBESGANJ District- Araria

AMAR KUMAR S/o Kishanlal Das @ Kishanlal Tatma R/o village-
Mirzapur Kothi, Ward No. 15, P.S.- Forbesganj (Simraha), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-01-2021 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Special (POCSO) Case No. 46 of 2019 arising out of Forbesganj (Simraha) P.S. Case No. 758 of 2019 registered under sections 302, 201, 354 A and 34 of the Indian Penal Code and section 8 of the POCSO Act.

As per allegation in the FIR, the informant who had gone with her ten years old grand-daughter to the 'mela' suddenly found that her grand-daughter had gone missing. Subsequently her dead body was recovered.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown. The name of the



petitioner transpired in course of investigation on the basis of a sniffer dog belonging to the police, reaching his house, suggesting that the slipper which was found near the dead body belongs to the petitioner. It is submitted that besides this material and confessional statement of the petitioner made before the police, there is no other material to connect the petitioner with the alleged crime. The petitioner is in custody since 8.8.2019.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that there is no eye witness to the occurrence, the petitioner has no criminal antecedent and is in custody since 8.8.2019 i.e. over one year, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Special (POCSO) Case No. 46 of 2019 arising out of Forbesganj (Simraha) P.S. Case No. 758 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria.

However, it is directed that out of two bailors one of



the bailor should be the father of this petitioner. Further the petitioner shall remain personally present in Court on each date in trial and in case of absence of the petitioner on a single date for reasons not to the satisfaction of the learned Trial Court, the learned Trial Court may cancel the bail of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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