

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36198 of 2020**

Arising Out of PS. Case No.-416 Year-2020 Thana- MUFFASIL District-
West Champaran

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ABHISHEK KUMAR Son of Jaiprakash Mahto Resident of Village-
Majhariya Kishun, P.S.- Jagdishpur, District- West Champaran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar No 7, Advocate

For the State : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 05-02-2021

Heard learned counsel for the petitioner and learned APP for the State. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is in custody since 08.07.2020 in connection with Bettiah Muffasil P.S. Case No. 416 of 2020 for the offences alleged under Sections 363, 366(A) of the Indian Penal Code and 8 of the POCSO Act.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of co-accused Kalawati Devi having taken away the daughter of the informant. It is submitted that from the F.I.R. it is evident that the informant herself permitted her daughter to accompany Kalawati Devi. It is submitted that there was love affair between the petitioner and the informant's daughter, the latter having voluntarily left with Kalawati Devi. The medical report suggests the age of the so-called victim as 16 to 17 years and there was no indication of sexual assault upon her. Subsequently, in panchayati it has been agreed that the



petitioner and the informant's daughter would be married. The petitioner claims clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may and having regard to the period of custody already suffered since 08.07.2020, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge POCSO cum Additional District Judge 6th, Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No. 416 of 2020, if he is not otherwise required in any other case with condition that one of the bailors shall be the petitioner's father.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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