

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37511 of 2020

Arising Out of PS. Case No.-346 Year-2017 Thana- SHIVSAGAR District- Rohtas

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Awanit Kumar Ram Son of Ajay Ram Resident of Village-Baddi, P.S.-
Sheosagar, District-Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

Mr. Ajay Tiwary, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-02-2021 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 POCSO Case no. 83 of 2017 (arising out of Sheosagar (Baddi) P.S. Case no. 346 of 2017) registered under sections 365 and 34 of the Indian Penal Code and section 4 of the POCSO Act.

As per allegation in the FIR, the informant has stated that the petitioner herein has kidnapped his minor daughter.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 27.7.2018 passed in Cr. Misc. no. 43058 of



2018. It is further submitted that the daughter of the informant returned by herself and her statement was recorded under section 164 Cr.P.C which has been brought on record as Annexure 3 to the petition wherein she stated that she had gone with the petitioner out of her own free will. She was not kidnapped. It is submitted that the petitioner is in custody since 19.3.2018. It is further submitted by learned counsel for the petitioner that subsequent to her return, the daughter of the informant again went missing on 7.7.2018 for which an FIR being Ara Nawada P.S. Case no. 465 of 2018 was registered. It is submitted that taking this fact into account, his earlier application for bail was rejected vide order dated 27.7.2018 as contained in Annexure 1. It is submitted that subsequent thereto a petition was filed by the informant's daughter which was considered and order dated 27.7.2018 (Annexure 8) has been passed by the learned Court below wherein taking into consideration the apprehension expressed by the informant's daughter of her well being at her parents place, she has been sent to the remand home being Nari Niketan, Gaighat, Patna.

The application for bail is opposed by learned APP for the State who submits that the petitioner may have been made an accused in the aforesaid Ara Nawada P.S. Case no. 465 of



2018.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner including the contents of the order dated 7.8.2018 (Annexure 4) passed in POCSO Case no. 83 of 2017 by the learned 1st Additional District and Sessions Judge, Rohtas at Sasaram and the fact of the petitioner being in custody 19.3.2018, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with POCSO Case no. 83 of 2017 (arising out of Sheosagar (Baddi) P.S. Case no. 346 of 2017) 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 Additional Sessions Judge 1st, Rohtas at Sasaram.

In view of the facts and circumstances as stated above, it is directed that before release of the petitioner, the Court will ensure as to whether he is required in any other case including Ara Nawada P.S. case no. 465 of 2018.

(Partha Sarthy, J)

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