

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8347 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- FESHAR District- Aurangabad

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MOHIT KUMAR SON OF RAM PATI YADAV R/O VILLAGE- CHATRA,
P.S.- FESAR, DISTRICT- AURANGABAD (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amarendra Kumar Singh, Advocate
For the State	:	Mr. Jaldhar Prasad, APP
For the Informant	:	Mr. Akhilesh Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-06-2021 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Fesar P.S. Case no. 95 of 2020 registered under sections 363 and 366A of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that his 15 year old daughter who went out of the house did not return and inspite of search was not to be found. It is stated that the five named accused persons who are his neighbours, were in regular touch with his daughter and he is convinced that they have taken her with the purpose of marriage



to Mohit Kumar.

It is submitted by learned counsel for the petitioner that the allegations levelled in the FIR are incorrect. The daughter of the informant returned and was medically examined. As per the medical report her age has been estimated to be between 19-21 years. Her statement was recorded under section 164 Cr.P.C wherein she has stated that she is in love with the petitioner and had gone with the petitioner to Delhi out of her own free will. The petitioner is in custody since 28.9.2020 and has no criminal antecedent.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the victim was a minor which would be evident from the school certificate. There is direct allegation against this petitioner and the bail be rejected.

Having heard learned counsel for the parties and taking into consideration the report of the medical board having found the daughter of the informant to be a major, the contents of her statement under section 164 Cr.P.C and the petitioner having remained in custody since 28.9.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be



enlarged on bail in connection with Fesar P.S. Case no. 95 of 2020 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 District and Sessions Judge-cum-Special Exclusive Judge POCSO, Aurangabad.

(Partha Sarthy, J)

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