

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9890 of 2021

Arising Out of PS. Case No.-353 Year-2020 Thana- SHEKHPURA District- Sheikhpura

Jai Kumar @ Jay Kumar Son of Kanhaiya Singh Resident of Village -
Chhema, P.S. - Shekhopur Sarai District - Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-07-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with POCSO Special Case no. 35 of 2020 arising out of Sheikhpura (Kushumbha O.P.) P.S. Case no. 353 of 2020 registered under sections 366A and 34 of the Indian Penal Code and section 8 of the POCSO Act.

As per allegation in the F.I.R., it is stated by the informant that his wife who lives separately with his daughter informed him on telephone that their 14 year old daughter has disappeared and inspite of search was not to be found. It transpired that the accused persons including the petitioner herein had taken her away with ill intentions.

It is submitted by learned counsel for the petitioner



that the allegation as levelled in the F.I.R. are false and incorrect. The daughter of the informant returned and her statement was recorded under section 164 Cr.P.C. which has been brought on record as Annexure-2 to the petition. It is submitted that from perusal of the statement it would transpire that she had gone out of her own volition. Further from the contents of the medical report it transpires that she is over 16 years of age. The parties have arrived at an amicable settlement and do not want to pursue the case. The petitioner has no criminal antecedent and is in custody since 21.10.2020.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties, on going through the contents of the F.I.R., the statement of the minor daughter of the informant under section 164 Cr.P.C. and taking into consideration the direct allegation against this petitioner, this Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

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(Partha Sarthy, J)

