

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3162 of 2022

Arising Out of PS. Case No.-339 Year-2020 Thana- PURNEA SADAR District- Purnia

Kunal Srivastav @ Kunal Kumar, Son of Late Bhola Sharma @ Bhala Srivastava, Resident of Village - Nageshwar Bag, Khushkibagh, P.S. - Sadar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 08-06-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from today.

In the present case, the petitioner seeks bail in connection with Special (POCSO) Case No.94/2020 arising out of Purnea Sadar P.S. Case No. 339 of 2020 registered for the alleged offences under Sections 363, 366 (A), 376 of the Indian Penal Code, Section 4 of POCSO Act and Section 3 (2) (v) of SC/ST Act.

The allegation against the petitioner is to have taken away the minor daughter of the informant.

It has been submitted by the learned counsel for the



petitioner that there is no eye witness to the occurrence and FIR has been lodged belatedly after two days of the occurrence. The victim willingly went away with the petitioner and this fact stands corroborated from her statement recorded before the police and before the learned Magistrate. No external or internal injury have been found on the body of the victim. The petitioner is in custody since 23.01.2021.

The contention of the petitioner has been vehemently opposed by learned Special PP, who has submitted that the victim is a minor and she has stated before the learned Magistrate that she was raped and the act was videographed.

Having perused the record and especially the case diary, a copy of which is available on record, and further having regard to the submission made on behalf of the petitioner hereinabove, it appears rather to be a case of elopement as there has not been any indication that wherever the victim was kept, she raised any hue and cry or took any steps to apprise either the public or neighbours about her condition. This fact is even apparent from her statement made under Section 164 Cr.P.C.

In totality of the facts and circumstances, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Purnea in connection with Spl (POCSO) Case No.94 of 2020 arising out of Sadar P.S. Case No.339 of 2020, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner, preferably one of the parents.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) The petitioner will not in any way contact either the victim or any of the witnesses and will not try to influence the trial.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

U		T	
---	--	---	--

(Arun Kumar Jha, J)

