

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4011 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- NARAINPUR District- Bhojpur

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Mukesh Kumar @ Mukesh Kumar Singh @ Lala @ Mukesh Kuamr @ Lala,
Son of Kesh Kumar Singh, Resident of Village - Keshwarpur, P.S.-
Narayanpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-11-2022 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 the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Narayanpur P.S. Case No. 76 of 2021 registered for the alleged offences under Sections 366(A) and 34 of the Indian Penal Code and Sections 3 and 4 of the POCSO Act.

As per prosecution case, the petitioner enticed away the minor daughter of the informant.

Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The FIR has been registered after delay of almost two and a half days and there is no reasonable explanation for the same. After four days of the occurrence, the victim girl was recovered and her statement was recorded under Section 164 Cr.P.C. wherein she stated that as her family members used to beat her time and again, she left her house with the petitioner and stayed at the house of the aunt of the petitioner in some other village. She further stated that she willingly went with the petitioner. Her age assessed by the Magistrate to be 17 years. The medical examination of the victim girl was also conducted and her age was assessed 17-19 years. Learned counsel further submits that victim could not be said to be a minor in view of the aforesaid facts. The alleged occurrence took place on 21.06.2021 and the victim girl was examined on 30.06.2021 and she was found to be pregnant and the victim girl has not made any allegation of having any relationship with the petitioner prior to the occurrence. So, there would be no liability of any kind of sexual assault. Charge sheet has been submitted in this case and the petitioner is in custody since 26.06.2021. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail



of the petitioner submitting that the informant has named this petitioner who took away her minor daughter. However, he concedes that the victim girl has not made any allegation of wrong doing against the petitioner in her statement recorded under Section 164 Cr.P.C.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the age of the victim girl along with her statement made before the learned Judicial Magistrate as well as report of her medical examination, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-VI, Bhojpur at Ara in connection with Naryanpur P.S. Case No. 76 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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