

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6419 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- AAYAR District- Bhojpur

Sonu Kumar, Son of Late Santosh Sah @ Santosh Kumar Sah, Resident of
Village - Itimaha, P.s.- Tarari, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-07-2022 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 Aayar P.S. Case No. 99 of 2021 (POCSO Case No.76 of 2021) registered for the alleged offences under Section 366 A of the Indian Penal Code and later on charge sheet has been filed under Sections 363, 366A of the Indian Penal Code and Section 12 of POCSO Act.

The prosecution case is that the petitioner enticed away the minor daughter of the informant with the help of co-accused Phool Kumari Devi.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The age of the victim girl is about 20 years and the informant has deliberately stated her age to be 17 years. There is love affair between the victim and the petitioner and the victim girl went with the petitioner on her own. She has also recorded her statement under Section 161 Cr.P.C. before the police as well as under Section 164 Cr.P.C. before the learned Magistrate wherein she has stated that she went willingly with the petitioner and the petitioner did not do any bad act with her. The charge sheet has been submitted in this case and the petitioner is in custody since 20.08.2021.

Learned APP opposes the prayer for bail submitting that the petitioner kidnapped a minor girl and the victim girl was recovered from the house of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that rejection order of the learned court below mentions the date of birth of victim girl to be 01.01.2005, she is of age when a girl develops sufficient maturity and could differentiate between right and wrong and further considering her consensual act in the whole occurrence and further considering the fact that petitioner is also of age of



19 years and also considering the fact that charge sheet has been submitted in this case and the petitioner is in custody since 20.08.2021, 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 Sessions Judge-VI, Bhojpur at Ara in connection with Aayar P.S. Case No. 99 of 2021 (POCSO Case No. 76 of 2021), subject to 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 for 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)

V.K.Pandey/-

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