

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9328 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- SAKATPUR District- Darbhanga

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Suresh Jha Son Of Mahendra Jha R/O Village- Panki Patti, P.S.-
Ghanshyampur And District- Darbhanga

... .. Petitioner/s

Versus

The State of BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-09-2022 Heard learned counsel for the petitioner and
learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Sakatpur P.S. Case no. 70 of 2021 instituted for the
offence under Sections 363, 366(A) & 34 of the Indian Penal
Code and section 8 of the POCSO Act.

As per allegation in the FIR, while the minor
daughter of the informant has gone out for call of nature,
petitioner along with co-accused Gautam Kumar forcefully
abducted her with bad intention. It is further alleged that
accused persons have taken away her firstly to Darbhanga and
thereafter to Delhi by bus and kept her in a rented room and
from there she came to Samastipur by train with co-accused



Gautam kumar.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. There is no eye-witness of the offence. The entire allegation is based on suspicion. Petitioner is an old man of 68 years and it is unbelievable that on a bike he would be able to abduct a girl along with three other accused person. After her recovery, her statement was recorded under section 164 Cr.Pc in which she has made direct allegation of kidnapping against co-accused Gautam Kumar and not against the petitioner. He has got no criminal antecedent. Petitioner and the victim girl are co-villagers and due to village politics he has been falsely implicated in the case.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Sakatpur P.S. Case no. 70 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge



(POCSO), Darbhanga, Bihar subject to the conditions as laid
down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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