

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10530 of 2022**

Arising Out of PS. Case No.-327 Year-2021 Thana- GORAUL District- Vaishali

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KUNDAN KUMAR @ KUNDAN RAM, S/o Umesh Ram R/o village-
Makhdumpur, P.S.- Goraul, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha

For the Opposite Party/s : Mr.Md. Fahimuddin

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has preferred this application for grant of regular bail in a case registered under Sections 363, 366A/34 of Indian Penal Code read with Sections 8 and 12 of the POCSO Act.

The petitioner and co-accused persons are said to have forcibly kidnapped the victim who is minor with a view to illicit relationship.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case due to oblique motive. He has further submitted that though the victim in her statement has taken the name of the petitioner, chargesheet has



already been submitted and the petitioner has no criminal antecedent as stated in para 3 of the bail petition. He has further submitted that Section 12 of the POCSO Act is not applicable in this case, as the victim was not sexually assaulted. The petitioner is in custody since 23.08.2021.

Learned A.P.P. for the State has opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances, the petitioner above-named, is directed to be enlarged on bail on his furnishing bail-bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court POCSO-cum-A.D.J.-VI Vaishali at Hajipur., in connection with Gorual P.S. Case No. 327 of 2021, with a condition :-

1.The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner will liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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