

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10694 of 2022

Arising Out of PS. Case No.-4 Year-2021 Thana- PATORI District- Samastipur

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PINKU KUMAR @ PIKKU KUMAR RAY Son of Late Shiv Shankar Rai
Resident of Village- Hasanpur, Surat, P.S.- Patory, Distt- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate
For the Opposite Party/s : Mr. Nityanand, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 19-12-2022 Heard learned counsel for the parties.

The petitioner has prayed for grant of regular bail in a case registered under sections 363, 366A and 34 of the Indian Penal Code.

As per the prosecution case, it is stated that the petitioner took away the 14 year old minor daughter of the informant for the purpose of marriage.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case though



the petitioner and the daughter of the informant are major and false case has been framed against this petitioner. The statement of the informant's daughter was recorded under section 164 Cr.P.C. wherein she has not made any allegation of sexual assault etc. against the petitioner or any other accused persons. The petitioner is in custody since 18.6.2021 and charge has been framed in the learned trial court. The petitioner undertakes to cooperate in the trial.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the fact that the informant's daughter has returned, the contents of the statement of the informant's daughter recorded under section 164 Cr.P.C. together with the petitioner having remained in custody for more than 1 year 5 months since 18.6.2021, the petitioner is directed to be enlarged on bail in connection with Patori P.S. Case no. 4 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI – cum – Special Judge, POCSO, Samastipur.

It is further directed that the petitioner shall remain properly represented on each date of the trial and shall



cooperate in the trial.

In case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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