

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12656 of 2022

Arising Out of PS. Case No.-321 Year-2021 Thana- JALALPUR District- Saran

1. PANKAJ KUMAR @ MD. NIZAM Son of Md. Wakil Resident of Village- Bela Singarmati, P.S.- Nirmali, District- Supaul.
2. Maya @ Aysha D/o Idrish Gazi Resident of Village- Sayanpur, P.S.- Habra, District- 24 Paranga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 15-07-2022 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 346, 366(A), 367, 370(A), 371, 372, 373/34 of the Indian Penal Code and section 8 of POCSO Act and 75 J.J. Act.

As per the prosecution case, the petitioners are alleged to have kidnapped the victim and employed her and others in orchestra for the purpose of dancing.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated at para 3 of the bail petition. The POCSO Act is not applicable in this case. There is no evidence that the victim was sexually assaulted by the petitioner. One of the co-accused has also been granted bail by Co-ordinate bench vide order 417 of 2022 passed in Criminal Misc. No. 9919 of 2022. Charge-sheet has already been submitted in this case. The petitioner is in custody since 18.12.2021.

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 Court of Exclusive Special Judge (POCSO Act) Chapra, Saran, in connection with Jalalpur P.S. Case No. 321 of 2021.

The application stands allowed.

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(Chandra Prakash Singh, J)

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