

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17235 of 2022

Arising Out of PS. Case No.-15 Year-2019 Thana- MAHILA P.S District- West Champaran

Laddu Kumar S/o Dasharath Manjhi @ Dasharath Chaudhary R/o village-
Karnameya, P.S.- Bettiah Muffasil, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dukhi Ram S/o Ram Surat Ram R/o village- Karnameya, P.S.- Bettiah
Muffasil, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mahila
P.S. Case No. 15 of 2019 registered for the offence under
Section 366(A) of the Indian Penal Code, under Sections 3(1)
(w-i)(w-ii) and 2(v-a) of the SC/ST POA Act and under Section
12 and 17 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.12.2019.

The allegation against the petitioner is to kidnap the



minor daughter of the informant, aged about 14 years, for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case out of failed love affairs. It is pointed out that victim solemnized her marriage out of her own sweet will with the petitioner and entire allegation of kidnapping and sexual assault were negated through statement of victim recorded under Section 164 of the Cr.P.C. It is also pointed out that victim has already been examined by learned Trial Court, where she completely retaliated from the prosecution version, as raised by her father being informant of this case. It is submitted that no purpose of justice shall be served by keeping petitioner behind the bar for any further period as victim denied occurrence before learned Trial Court.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of statement of victim, as recorded under Section 164 of the Cr.P.C., negating thereof allegation of kidnapping and sexual assault, where petitioner is in custody since 21.12.2019, let the petitioner, above named, be directed to be released on bail in connection with Mahila P.S. Case No. 15



of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, West Champaran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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