

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19283 of 2022**

Arising Out of PS. Case No.-467 Year-2021 Thana- JAMUI District- Jamui

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TUNNA BASFOR @ TUNA BASPHOR SON OF LATE BILAY BASPHOR  
@ SHIV KUMAR BASFOD R/O VILLAGE- GIDHAUR, P.S.- GIDHAUR,  
DISTRICT- JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

|                            |   |                                                                                            |
|----------------------------|---|--------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr.Akshansh Ankit<br>Mr. Yogesh Chandra Verma<br>Mr. Prakash Kumar<br>Mr. Manoranjan Kumar |
| For the Opposite Party/s : |   | Mr.Dr. Indiwari Kumari                                                                     |
| For the State              |   | Mr. Choubey Jawahar                                                                        |

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

ORAL ORDER

3      30-08-2022                      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 A.P.P. for the State.

The petitioner has preferred this application for grant of regular bail in a case registered u/s 363 and 366A read with 34 of the Indian Penal Code and 4 of POCSO Act.

As per the prosecution case, the petitioner and the co-accused are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage or doubted kill her.

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



case on mere suspicion. The petitioner has clean antecedent as stated in para 3 of the bail petition. The informant is not an eye witness of this case. The Medical Board assessed the age of victim as above 18-19 years. So, the Section of POCSO is not applicable in this case. It is further submitted that the victim in her statement recorded under Section 164 of the Cr.P.C. has not alleged any kind of sexual assault against the petitioner. The petitioner is in custody since 07.12.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor.

Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner and the period of detention, the petitioner is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 467 of 2021.

The application stands allowed.

**(Chandra Prakash Singh, J)**

shobhakri/-

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