

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32154 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- PHULWARIA District- Begusarai

CHHOTU KUMAR S/O GORELAL PASWAN R/o village- Chakbal - Bihat
Nagar Parishad - Ward No. 11, P.S.- Barauni, Distt.- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.
For the Opposite Party/s : Ms. Meena Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 366 and 34 of the Indian Penal Code and section 8 of the POCSO Act.

As per the prosecution case, the minor daughter of the informant was kidnapped by the accused persons including the petitioner herein.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case alleging him to be the driver of the vehicle in question. Referring to the statement of the victim under section 164 Cr.P.C. it is submitted by learned counsel for the petitioner that he names the accused Shivdani, his three brothers and his



mother. The petitioner is not named in the 164 Cr.P.C statement. The petitioner is in custody since 29.11.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner not being named in the statement under section 164 Cr.P.C. given by the victim and having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with POCSO P.S. Case no. 38 of 2020 (arising out of Phulwaria P.S. Case no.162 of 2020) 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 Special Judge, POCSO Act-cum-Additional Sessions Judge-I, Begusarai.

(Partha Sarthy, J)

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