

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29342 of 2022

Arising Out of PS. Case No.-1034 Year-2021 Thana- SITAMARHI District- Sitamarhi

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BITTU KUMAR S/o Bindeshwar Mahto Resident of Village - Bhutahi, Police
Station - Sonbarsa, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Madhubala Verma, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Sitamarhi

P.S. Case No. 1034 of 2021 registered for the offence under

Sections 363, 366(A) and 34 of the Indian Penal Code.

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

custody since 07.03.2022.

The allegation against the petitioner is to kidnap the

minor daughter of the informant, for the purpose of illicit



intercourse.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in the present case, where occurrence is based upon suspicion, as petitioner found roaming around the house of the informant. It is submitted that victim did not support the present occurrence in her statement, recorded under Section 164 of the Cr.P.C., and it is not a case of kidnapping and sexual assault against the petitioner. While concluding the argument, it has been submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, opposed the prayer of bail.

Considering the facts and circumstances as mentioned above, as implication is based upon suspicion, where victim girl did not support the occurrence in her statement, recorded under Section 164 of the Cr.P.C., coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sitamarhi P.S. Case No. 1034 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 learned A.D.J.-VI-cum-Special Judge (POCSO), Sitamarhi/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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