

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28790 of 2022**

Arising Out of PS. Case No.-35 Year-2019 Thana- KALYANPUR District- Samastipur

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PANCHU KUMAR YADAV @ PACHU KUMAR RAI @ PANCHU RAI S/o
Ram Dayal Rai R/o village- Chhakantoli, P.S.- Kalyanpur, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate.

For the Opposite Party/s : Mr. Rina Sinha, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 06-09-2022 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 from today.

Heard Mr. Abhay Shankar Singh, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Kalyanpur P. S. Case No. 35 of 2019
registered for the offences punishable under Sections 363, 366-
A read with 34 of the Indian Penal Code.

The prosecution case is based on a written report
alleging therein that on 01.03.2019 at about 05:00 P.M., the



daughter of the informant went to attend the nature call and thereafter, she did not return. In course of search, she came to know from the villagers that co-accused Nitish Kumar @ Nitish Kumar Sharma @ Nitish Sharma had allured and enticed away his daughter with the help of his friends Rana Kumar Singh and the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that the specific allegation of enticing and taking away of the daughter of the informant has been attributed against co-accused Nitish Kumar @ Nitish Kumar Sharma @ Nitish Sharma, so far this petitioner is concerned, he is said to be friend of Nitish Kumar @ Nitish Kumar Sharma @ Nitish Sharma and save and except this allegation, there is no other material. It is next submitted that during the course of investigation, the victim girl has returned to her village and her statement has been recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she voluntarily went to Punjab along with Nitish Kumar @ Nitish Kumar Sharma @ Nitish Sharma with the help of his two friends and thereafter, both of them lived there for two months. In her statement, she has not made any allegation against the petitioner. It is further



submitted that the victim was also medically examined and her age has been assessed as 17 to 18 years. It is last submitted that co-accused Nitish Kumar @ Nitish Kumar Sharma @ Nitish Sharma against whom the entire allegation revolves, has already been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 76926 of 2019 dated 05.03.2020.

On the other hand, learned APP for the State opposes the bail application and submits that the case is of 2019 and the petitioner remained absconded for a long period.

Regard being had to the submissions made on behalf of the parties and taking into account the statement of the victim recorded under Section 164 of the Cr.P.C. as gathered from the impugned order as well as the order passed by the learned co-ordinate Bench of this Hon'ble Court showing no allegation against the petitioner, apart from having fair antecedent and period of incarceration, let the petitioner, apart from above named, be released on bail on furnishing bail bonds 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 Court (POCSO), Samastipur in connection with Kalyanpur P. S. Case No. 35 of 2019, subject to the condition that one of the bailors will be the close relative of



the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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