

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30720 of 2022**

Arising Out of PS. Case No.-29 Year-2022 Thana- KHAJAULI District- Madhubani

RAM BHAROSH RAM @ BHAROSH @ BHAROSH RAM Son of Shiv
Kumar Ram Resident of Village - Kanhauli Lichi Bagan, P.S.- Khajauli,
District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr. Binod Kumar no.3, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 24-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one
month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offences punishable under Sections 363, 366A, 504/34 of the Indian
Penal Code and section 4 of POCSO Act.

As per allegation, informant's minor daughter aged about
16 years was kidnapped by this petitioner with the help of his family
members.

The main submissions advanced by Sri Subhash Kumar
Jha, the learned counsel appearing for the petitioner are that so-called
victim has been recovered and she has recorded her statement under
section 164 Cr.P.C which has been filed as annexure 2, petitioner has
been languishing in jail since 5.3.2022, Medical Board assessed age



of the victim as 20 years and as per medical report no sign of sexual assault was found on the body of the victim

Sri Binod Kumar no.3, learned APP appearing for the State and learned counsel for the informant have opposed the prayer for bail and submitted that as per educational document of the victim her age was about 16 years at the time of committing the alleged kidnapping and there is serious allegation against the petitioner.

Having considered the above submissions and mainly taking into account victim's statement recorded under section 164 Cr.P.C which completely goes against the allegation made in the complaint on the basis of which FIR was lodged and moreover, as per medical evidence victim is major girl and petitioner has been languishing in jail since 5.3.2022 having one criminal antecedent in which he is on bail, in the opinion of this Court, petitioner deserves privilege of bail. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 6th Addl. Sessions Judge-cum-Special Judge, POCSO Act, Madhubani in Khajauli P.S Case No. 29 of 2022.

(Shailendra Singh, J)

s.hassan/-

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