

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40293 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- BIHTA District- Patna

=====

Rahul Kumar @ Rahul Raj, Son of Ram Balak Kewat @ Shiv Balak Kewat,  
Resident of Village - Pitwansh, P.S. Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      05-07-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Special (POCSO) Case No. 43 of 2021, arising out of Bihta P.S. Case No. 150 of 2020 registered for the alleged offences under Sections 363, 366(A), 34, 504 and 506 of the Indian Penal Code.

The prosecution case is that the petitioner enticed away the minor daughter of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Both petitioner and the victim girl were friends and they were studying in the same coaching class. The victim girl went away with the petitioner out of her own sweet will. In her statement recorded under Section 164 Cr.P.C, she has not stated anything about any misbehaviour by the petitioner or sexual assault by him. The prosecution case or even her statement about taking her away to Hyderabad is not believable as it does not seem to be possible for a person to take away a young major girl all the way to Hyderabad, but she did not raise any alarm anywhere. The charge-sheet has been submitted in this case and the petitioner is in custody since 24.11.2020.

Learned APP opposes the prayer for bail submitting that witnesses in the case diary have supported the prosecution case.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the victim girl is of age when she is supposed to have developed sufficient maturity and further considering the improbability of taking away of the victim against her will which does not appear to be possible in the given facts and circumstances and further considering the fact that the charge-sheet has been submitted and also the period of



custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Exclusive Special Court (POCSO Act), Patna in connection with Special Case No. 43 of 2021, arising out of Bihta P.S. Case No. 150 of 2020, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

**(Arun Kumar Jha, J)**

