

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35566 of 2022**

Arising Out of PS. Case No.-83 Year-2022 Thana- WAJIRGANJ District- Gaya

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Gulsan Kumar @ Gaurav Kumar @ Gulshan Kumar, Son Of Uday Yadav @
Uday Shankar, R/O Village- Jamuawan, Tikar Par, P.S.- Wazirganj and
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

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

2 23-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Wazirganj P.S. Case No. 83 of 2022 registered
for the alleged offences under Sections 363, 366 (a)/34 of the
Indian Penal Code and Section 8 of POCSO Act.

As per prosecution case, the minor daughter of the
informant went missing and on inquiry, the informant came to
know that the petitioner and the co-accused took her away
giving inducement.



Learned counsel for the petitioner submits that the victim girl as well as her mother, her aunt and her father have been examined before the learned trial court and none of them have supported the prosecution case. They have stated in unison that the victim girl went on her own to fetch medicine for her mother and she went alone to Nawada. The victim girl was examined and her medical report also shows no signs of any sexual activity. Further learned counsel submits that the victim girl has given a different statement when her statement was recorded under Section 164 Cr.P.C. but even then she stated about going with the co-accused out of her sweet will. The petitioner is in custody since 21.02.2022.

Learned A.P.P. opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the denial of the victim girl as well as her family members in their deposition before the learned trial court absolving the petitioner of any wrongful activity and also considering the period of custody of the petitioner, he 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 Special Judge, POCSO-cum- Additional District Judge-VI, Gaya, in



connection with Wazirganj P.S. Case No. 83 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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 on 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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