

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45371 of 2021

Arising Out of PS. Case No.-124 Year-2021 Thana- PATORI District- Samastipur

Gulshan Kumar S/O Mr. Ashok Rai @ Ashok Ray @ Ashok Kumar Ray R/O
Village- Mohanpur, P.S.- Patori (Mohanpur O.P.), District- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary
For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-01-2022 Heard the learned counsel for the petitioner and the
learned APP for the State through video conferencing.

The petitioner seeks bail in connection with Shahpur Patori (Mohanpur O.P.) P. S. Case No.124 of 2021, instituted for the offences under Sections 363, 366, 366A, 34 of the Indian Penal Code and police after investigation submitted charge-sheet under Section 4/8 of the POCSO Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 25.04.2021 and charge-sheet has been submitted in the case.

Allegation as alleged by the informant in the F.I.R. is that on 21.04.2021 at about 4.00 A.M. his minor daughter aged about 15 years went to attend the nature's call, but did not return till 6.00 A.M. Thereafter, the family members started looking



for her, but could not find any trace of the victim. Accordingly, on the basis of suspicion, it was alleged that Mukul Kumar, Rajiv Kumar, Gulshan Kumar have kidnapped his daughter and fled away and the informant was apprehensive that they might commit some occurrence or may sell his daughter as they are persons with defiant conduct.

The learned counsel for the petitioner submits that the girl was recovered and her statement was recorded under Section 164 of the Cr.P.C. wherein she has stated that she married Mukul Kumar and was living like husband and wife in the house of one Dipak Kumar and she wished to go with her grandfather and uncle as they had given in writing that they will not assault her. However, she was knowing Mukul Kumar for the last two years.

The learned counsel for the petitioner further submits that though in the F.I.R. the age of the victim is said to be 15 years and in the deposition made under Section 164 of the Cr.P.C. the age is recorded as 14 years, but the girl has attained the majority. It is further submitted that apart from the allegation as alleged in the F.I.R. with regard to this petitioner, nothing transpired during the course of investigation or in the statement of the victim under Section 164 of the Cr.P.C.



The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody since 25.04.2021, charge-sheet has been submitted in the case and the victim has not named him in her statement under Section 164 of the Cr.P.C., the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Special Court (POCSO), Samastipur in connection with Shahpur Patori (Mohanpur O.P.) P. S. Case No.124 of 2021, subject to condition that one of the bailers shall be the father of the petitioner.

The application stands allowed.

(Satyavrat Verma, J)

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