

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46545 of 2021

Arising Out of PS. Case No.-449 Year-2020 Thana- KORHA District- Katihar

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ANSHU KUMAR @ ANSHU KUMAR MUNI S/O MANOJ KUMAR @
MANOJ MUNI Resident of Poddar Tola, Village- Jamalpur, Mohalla- Chhoti
Chak, P.S.- Gogri, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Praveen

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-01-2022 Heard the learned counsel for the petitioner and the

learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with Special
Case (POCSO) No. 03 of 2021, arising out of Korha P.S. Case
No. 449 of 2020 (G.R. No.3993 of 2020) instituted for the
offences under Sections 363 and 366A of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 12.12.2021, he is a person with
clean antecedent, charge-sheet has been submitted in this case.

The learned counsel for the petitioner further submits
that informant in the FIR alleges that on 30.09.2020, her
daughter went to attend coaching classes at about 3:00 P.M. but
did not return by 5:30 P.M. and upon inquiry from the coaching

class, it came to know that she has not attended the class and during the course of search, informant came to know that the petitioner with the help of co-accused persons has abducted his daughter. Accordingly, the FIR was instituted against three named accused persons.

The learned counsel for the petitioner submits that the girl has come back and her statement has been recorded under Section 164 Cr.P.C. which is annexed at Annexure-2 to the present bail application and from perusal of the same, it would manifest that the victim has disclosed her age as 15 years and has stated that on 30.09.2020 at 3:00 P.M. she along with this petitioner sat in a Bus and went to Khagaria and from there went to Delhi. She states that she had not gone to Delhi on her own will because when she sat in the bus, she thought that bus would go to her village but the bus reached Delhi where she stayed in the house of the petitioner for two days and thereafter the parents of the petitioner asked him to take back the victim to Khagaria and she came back along with the petitioner, who fled after leaving her at Khagaria.

The learned counsel for the petitioner submits that from perusal of the statement of the victim in her statement under Section 164 Cr.P.C., it would manifest that the victim has

not alleged that petitioner in any manner committed any illegal act with her rather it appears that both petitioner and the victim were known to each other and she had gone along with the petitioner to Delhi and stayed in Delhi without informing her parents and latter she came back.

Learned A.P.P. opposes the bail application.

Considering the fact that petitioner is in custody since 12.12.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and the victim in her statement under Section 164 Cr.P.C. has not alleged anything adverse to the petitioner, 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 Special Judge (POCSO)-cum-Addl. Sessions Judge-VII, Katihar, in connection with Special Case (POCSO) No. 03 of 2021, arising out of Korha P.S. Case No. 449 of 2020 (G.R. No.3993 of 2020).

The application stands allowed.

(Satyavrat Verma, J)

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