

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37475 of 2022

Arising Out of PS. Case No.-590 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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Rakesh Kumar @ Rakesh Sahani Son Of Shree Gagandeo Sahani, Resident
Of Village - Gajpura, P.S.- Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Motihari Muffasil P.S. Case No. 590 of 2020 lodged under
Sections 363 and 366(A)/34 of the I.P.C. and Section 8 of
POCSO Act.

As per prosecution, the case has been filed against 3
named accused persons including the present petitioner that the
allegation of kidnapping of the daughter of the informant is
there in the F.I.R. with a purpose of marriage.

Learned counsel for the petitioner submits that antecedent of the petitioner is clean and he is in custody since 03.02.2021. Counsel further submits that the alleged victim has been recovered and her statement under Section 164 Cr.P.C. has taken place before the Magistrate which has come along with case diary. Counsel further submits that the occurrence has taken place on 01.12.2020 whereas F.I.R. has been lodged after 16 days i.e. on 17.12.2020. Counsel further submits that victim has not supported the allegation made in the F.I.R. and she also disclosed that her aged is 24 years.

Learned counsel for the State opposes the prayer for bail and submits that after going through the case diary and statement under section 164 Cr.P.C., it transpires that victim has not made allegation against the petitioner and others.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 6th Addl. Sessions Judge-cum-Special Judge, POCSO, East Champaran at Motihari in connection with Motihari Muffasil P.S. Case No. 590 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C..

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

ravishankar/-

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