

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51416 of 2021

Arising Out of PS. Case No.-194 Year-2019 Thana- SILAO District- Nalanda

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AMIT KUMAR @ PHUCHANI HERO SON OF SURESH RAM Resident of
Village- Bhadari, Police Station- Silao, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Sharma, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-02-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 366A, 504 and 34 of the Indian Penal Code and sections 8 and 12 of the POCSO Act.

As per the prosecution case, the minor daughter of the informant was taken away by the accused persons including the petitioner herein. It is stated that the petitioner was seen taking her away on the motorcycle.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The daughter of the informant returned and her statement was recorded under section 164 Cr.P.C. which is Annexure-2 to the petition. From perusal of the same it would transpire that the



daughter of the informant is 18 years old and in her statement she has not supported the prosecution case. She states that she went to Kolkata out of her own free will and it was in Kolkata that she met the petitioner and married him. They have a child from the said wedlock. The petitioner is in custody since 11.7.2021 and has no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the contents of the statement of the daughter of the informant under section 164 Cr.P.C., the petitioner being in custody for 7 months and not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with POCSO Case no. 77 of 2021 (arising out of Silao P.S. Case no. 194/2019) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge – cum – Special Judge, Biharsharif, Nalanda.

(Partha Sarthy, J)

Spd/-

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