

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44426 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- RAFIGANJ District- Aurangabad

Ritesh Kumar Son of Sri Ambika Yadav Resident of village- Lahas, P.S-
Rafiganj, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Rafiganj
P.S. Case No. 116 of 2022 registered for the offence under
Sections 366(A) and 34 of the Indian Penal Code in which
charge-sheet was submitted under Sections 366(A) and 376 of
the Indian Penal Code and Under Section 04 and 06 of the
POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.04.2022.

The allegation against the petitioner is to kidnap the
minor daughter of the informant, aged about 17 years, for the



purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in present case, as he solemnized marriage with victim/daughter of the informant when she was ousted from home by her parent. It is further pointed out that the victim appears to be major, about 18 years, as per Court assessment and medical report. It is further pointed out that victim totally negate allegation of kidnapping and rape, while recording her statement under Section 161 and 164 of the Cr.P.C. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of rape/penetrating sexual assault and kidnapping are not available against this petitioner, as per statement of victim recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rafiganj P.S. Case No. 116 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Special Exclusive Judge (POCSO)-cum-Additional District and Sessions Judge, Aurangabad/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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