

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44476 of 2022

Arising Out of PS. Case No.-226 Year-2022 Thana- KESARIA District- East Champaran

Bitoo Kumar Son Of Daroga Raut Resident Of Village - Keshariya Jhari Ward
No. 11, P.S.- Kesariya, District- East Champaran At Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the State : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-12-2022 Heard learned counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Kesariya P.S.
Case No.226 of 2022 registered for the offence under Sections
366(A) and 34 of the Indian Penal Code and Sections 8 and 2 of
POCSO Act, 2012.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.07.2022.

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 petitioner is falsely implicated in this case as he



helped the daughter of the informant, as her marriage was negotiated with one old age person, who was the father of four childrens, by her father, who is informant of this case. It is further submitted that this fact was also supported by victim, while recording her statement under Section 164 of the Cr.P.C. It is further submitted that there is no allegation of kidnapping, against this petitioner as alleged by victim. It is also submitted that victim appears major, as her age was found about 19 years upon medical examination. While concluding the argument, it is submitted that victim was not recovered with this petitioner, moreover investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as victim negates the allegation of kidnapping and rape/penetrative sexual assault against this petitioner coupled with the fact that chargesheet has been submitted, let above named petitioner directed to be released on bail in connection with Kesariya P.S. Case No.226 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 court of Additional District and Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran/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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