

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44780 of 2022

Arising Out of PS. Case No.-139 Year-2018 Thana- SAHPUR District- Bhojpur

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Bikki Singh @ Bikki Kumar Singh, Son Of Jitendra Singh @ Marai Singh,
R/O Village- Jagatpur Pakari, P.S.- Krishnagarh (BARHRA), District-
Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Shahpur P.S. Case No. 139 of 2018 registered
for the alleged offences under Sections 363 and 366(A) of the
Indian Penal Code, Section 6 of the POCSO Act and Section 9
of the Child Marriage Prohibition Act.

As per prosecution case, the minor daughter of the
informant was kidnapped by co-accused Abhishek Ram with
the help of this petitioner and other co-accused persons.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that the mobile phone of this petitioner was used for communicating with the co-accused. For this reason the petitioner has been made accused in this case. There is no specific allegation against this petitioner for doing any wrongful act with the victim. It is also clear from the FIR, that there was love affair between victim girl and the co-accused Abhishek Ram and they fled away and solemnized marriage. The statement of the victim girl was recorded under Section 164 Cr.P.C., wherein she has stated that she solemnized marriage with the co-accused Abhishek Ram and she was pregnant and she also stated her age to be 23 years. Learned counsel further submits that the co-accused persons, namely, Ranjeet Pandit and Abhishek Ram have been granted bail by different Co-ordinate Benches of this Court vide order dated 03.01.2022 passed in Cr. Misc. No. 44669 of 2021 and order dated 29.06.2021 in Cr. Misc. No. 12393 of 2021, respectively. The petitioner is in custody since 26.06.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



vague and non-specific nature of allegation against the petitioner and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Bhojpur, Ara in connection with Shahpur P.S. Case No. 139 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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