

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57124 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- SONBERSA District- Sitamarhi

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SHANKAR PRASAD @SANKAR MAHATO SON OF LATE
JAINARAYAN MAHATO, RESIDENT OF VILLAGE- JAY NAGAR P.O.-
BANDARJHULA, P.S.- SONBARSA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh,Sr.Advocate

Mr.Saket Kumar Singh,Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay,APP

Mr.Pushpendra Kumar Singh,Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-03-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the offence under Sections 363, 366A of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution case, all the accused persons including this petitioner kidnapped the daughter of the informant for the purpose of marriage.

It is submitted that specific allegation of commission of rape is against co-accused Shubham Kumar, who is none else but son of the petitioner, and this petitioner alongwith his all family members have been made accused in this case. Even, in the statement of the victim girl recorded under Section 164 of the Cr.P.C., the allegation of commission of rape is against other co-accused and this petitioner is only alleged to have played



active role in kidnapping of the victim. Petitioner is a patient of Cancer disease and in support of the same several documents have been attached with this petition and he is in custody since 24.06.2021.

However, learned counsel for the informant has opposed the bail petition and submitted that this petitioner has also actively participated in the kidnapping of minor daughter of the informant.

Considering the fact that thrust of the accusation is against co-accused Shubham Kumar and this petitioner has been made accused only because he is father of co-accused Shubham Kumar and there is no allegation of commission of rape against this petitioner, the prayer for bail of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VI cum Special Judge, POCSO Act, Sitamarhi in connection with Sonbarsa P.S. Case No. 25 of 2021.

(Prabhat Kumar Singh, J)

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