

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50658 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- HUSSAINGANJ District- Siwan

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KAMLESH BHAGAT @ RAMTESHWAR KUMAR S/o Jogendra Bhagat
Resident of Village- Harihans Koiryi Tola, P.S.- Hussainganj, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 14-12-2022 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 363, 366A,
376 and 494 of the Indian Penal Code, sections 4 and 8 of the
POCSO Act and section 9 of the Prohibition of Child Marriage
Act.

As per the prosecution case, the petitioner and the co-
accused persons kidnapped the minor daughter of the informant
who is aged about 17 years for the purpose of marriage by
enticing her. The petitioner is already a married person and has



two children. Prior to this occurrence, the petitioner also molested the informant's daughter many times and on protest, had threatened to kidnap her. The informant's daughter also took away jewelries and Rs. 10,000/-.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submitted that as per the medical report, the age of the victim is in between 18 to 20 years and the medical report shows that there is no evidence of any recent sexual assault. The victim in her statement recorded under section 164 of the Cr.P.C., has not stated that the petitioner kidnapped her forcibly rather she has stated that there is love affair between the petitioner and the victim and she herself fled away, went to the house of her friend Mamta and from there she went to the house of the petitioner. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 22.04.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, the petitioner above-named, is directed to be enlarged



on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Hussainganj P.S. Case No. 109 of 2022, with a condition:-

1.The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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