

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64526 of 2021

Arising Out of PS. Case No.-198 Year-2021 Thana- NAUTAN District- West Champaran

Ajay Singh @ Anjay Singh S/o Indrasan Singh R/o village- Parasa, Babu
Tola, P.S.- Sirisiya O.P., District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2022 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 Nautan
P.S. Case No. 198 of 2021 registered for the offence under
Section 366A and 34 of the Indian Penal Code and Section 8 of
the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.07.2021.

The allegation against the petitioner is to kidnap the
daughter of the informant for the purpose of illicit intercourse
and allegation is also regarding sexual assault.

Learned counsel appearing on behalf of the petitioner



submitted that from bare perusal of the statement of victim recorded under Section 164 of Cr.P.C., it appears that she went with the petitioner out of her own sweet will, as such, negating the entire allegation of kidnapping and also of sexual assault thereof. It has further been submitted that from the report of medical board, it appears that victim was major at the time of occurrence, ranging her age between 19 to 21 years. It has further been submitted that the petitioner is a man of clean antecedent and moreover, chargesheet has already been submitted in this case, as such, there is no chance of tampering of evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the victim went on her own sweet will with the petitioner.

Considering the facts and circumstances as mentioned above, as statement of victim recorded under Section 164 of Cr.P.C., negating the element of kidnapping and also of sexual assault, let the petitioner, above named, is directed to be released on bail in connection with Nautan P.S. Case No. 198 of 2021 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 Judge (POCSO)-cum-Additional



District Judge- 6th, Bettiah, West Champaran, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Ranglal Singh, who is the brother-in-law (Jija) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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