

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55724 of 2022

Arising Out of PS. Case No.-282 Year-2022 Thana- KAHALGAON District- Bhagalpur

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Ankush Kumar Roy @ Ankush Roy @ Raja @ Ankush Kumar Son of Rajesh Roy Resident of Village - Janidih, P.S.- Kahalgoan (Ghogha), District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-12-2022 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Kahalgoan (Ghogha) P.S. Case No. 282 of 2022 registered under Sections 366A, 504, 506, 34 of the Indian Penal Code and Section 8 of the POCSO Act.

The F.I.R alleges that the informant's daughter has gone



for tuition and has been kidnapped by the petitioner aided with others.

Learned counsel for the petitioner submits that the prosecution case is false. To make it grave, the informant has inserted the word "नाबालिग" in the 8th line of FIR. Since the informant was knowing that his daughter is not minor, he has consciously omitted to mention the age of the victim. In the statement recorded under Section 164 Cr.P.C, the victim has stated about going on her own volition along with the petitioner and that she has solemnised marriage. The actual age of the victim is between 17 to 19 years. The petitioner having no criminal antecedent, is in custody since 29.07.2022.

Learned APP has opposed the prayer for bail. It is submitted that in the statement under Section 164 Cr.P.C, as per order of the Special Judge, POCSO, whereby the petitioner's prayer was rejected, it appears that the victim has been assessed as 17 years by the court.

Considering the rival submissions, as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of VIIth Additional District & Sessions Judge-cum-special Judge of POCSO Court/Judge, Bhagalpur in Kahalgoan (Ghogha) P.S. Case No. 282 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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