

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70843 of 2021

Arising Out of PS. Case No.-93 Year-2021 Thana- PUNAURA District- Sitamarhi

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Anjay Kumar, Son of Lalesh Ray, Resident of Village - Punaura Paschimi
Ward No.- 6, P.S.- Punaura, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Punaura P.S. Case No. 93 of 2021
corresponding to G.R. No. 2539 of 2021 registered for the
alleged offences under Sections 363 and 366(A) of the Indian
Penal Code.

As per prosecution case, the minor daughter of the
informant went missing and informant raised a suspicion that
the petitioner and other co-accused persons enticed away his
daughter with intention to sell or murder her after rape.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. There is no eye-witness to the alleged occurrence and all the witnesses examined by the police during investigation appears to be hearsay witnesses and have been repeating words they had heard from others about the occurrence. The victim girl was produced before the learned Judicial Magistrate for recording her statement under Section 164 Cr.P.C. and in her statement she has categorically stated that due to scolding by her mother, she left her house and went to the house of her aunt (*bua*). The victim girl refused to undergo medical examination. Thereafter, on the basis of material collected during investigation, the police submitted a closure report stating the case to be a mistake of fact but the learned trial court took cognizance for offences under Sections 363 and 366(A) read with Section 34 of IPC and Section 8 of the POCSO Act. There is no material against the petitioner for any wrongful act. The petitioner is in custody since 16.07.2021 and cognizance has been taken. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the victim girl stated her age to be 17 years during her



examination under Section 164 Cr.P.C. and has not made any allegation against the petitioner and further considering distinct lack of material against the petitioner on the record, 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 Additional Sessions Judge-VI-cum-Special Judge, Sitamarhi, in connection with Punaura P.S. Case No. 93 of 2021 corresponding to G.R. No. 2539 of 2021, 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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