

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70745 of 2021

Arising Out of PS. Case No.-35 Year-2021 Thana- GAUNAHA District- West Champaran

AKLESH KUMAR @ AKHILESH KUMAR @ AKHILESH SAH S/o Late
Angad Sah @ Late Angad Prasad Resident of Ward No. 05, Village- Amolwa,
P.S.- Gaunaha, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Shubham, Advocate

For the Opposite Party/s : Mr.Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Section 366A of the Indian Penal Code read with Section 34 of the Indian Penal Code and Section 8 of the POCSO Act.

Learned counsel for the petitioners submits that the learned court below differed with the police report and took cognizance of the offence under Section 363 and 366A of the Indian Penal Code read with Section 8 of the POCSO Act. It is further submitted that the petitioner is in custody since 30.09.2021, charge-sheet has been submitted in the case and has antecedent of two cases.



The informant alleges that his minor daughter was kidnapped by Mithilesh Kumar in connivance with the petitioner, Amresh and Sonu for the purposes of selling her and further the family of the accused were not divulging any information regarding the victim.

Learned counsel for the petitioner submits that the police after investigation submitted final form in favour of the petitioner but the learned court below differing with the police report took cognizance of the offence as aforesaid. Learned counsel thus submits that at least one agency after threadbare investigation submitted final form exonerating the petitioner of the offence as such the petitioner deserves to be enlarged on bail and he will face the trial since the cognizance has been taken as aforesaid.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 30.09.2021, charge-sheet has been submitted in the case, and the police has submitted final form differing with which the learned court below has taken cognizance, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned court below where
the case is pending/successor court in connection with Gaunaha
P.S. Case No. 35 of 2021.

(Satyavrat Verma, J)

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