

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3428 of 2023

Arising Out of PS. Case No.-478 Year-2022 Thana- PARSABAZAR District- Patna

David Bhaskar @ Bhaskar Kumar @ Devid S/O Nand Kumar Saw @ Nand Kumar Shaw Resident Of Village- Jalpura Tapa, P.S.- Chandi, District- Bhojpur At Present Residing At Village Bodhachak, P.S.- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-07-2023 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Parsa Bazar P.S. Case No.478 of 2022 registered for the offence under Sections 363, 364, 376 and 120-B of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in custody since 30.09.2022.

The allegation against the petitioner is to kidnap the minor daughter of informant aged about 13 years alongwith other co-accused persons for the purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner



submitted that implication of the petitioner appears false and same is apparent from the narration of the F.I.R., itself, as same is narrating disputes and differences between the parties due to land disputes. It is submitted that mere on the basis of suspicion, allegation of rape and murder of minor daughter was raised through present F.I.R. It is further submitted that after recovery of victim her statement was recorded under Section 164 of the Cr.P.C., where victim completely negated the occurrence of kidnapping and any sexual assault, rather she stated that she went on her own up to Delhi with petitioner, being a friend. It is also submitted that victim was examined before the learned Trial Court, where she also not deposed in favour of kidnapping and sexual assault against this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as allegation of kidnapping and sexual assault are absent through statement of victim as recorded under Section 164 of



the Cr.P.C. coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 30.09.2022, accordingly above named petitioner is directed to be released on bail in connection with Parsa Bazar P.S. Case No.478 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, VI-cum-Special Judge, POCSO, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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