

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17218 of 2023

Arising Out of PS. Case No.-733 Year-2022 Thana- DHAKA District- East Champaran

SHIVAM KUMAR, aged about 19 years(M), son of Krishna Prasad @
Krishna Prasad Swarnkar, resident of village- Jhauaram, P.S.- Dhaka, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Dhaka
P.S. Case No. 733 of 2022 instituted for the offence punishable
under Sections 363, 366A, 34 of the Indian Penal Code and
section 8 of the POCSO Act.

3. The prosecution story in short is that, on
07.12.2022, the informant's daughter while returning to home
from his shop was forcibly taken by Shivam kumar and Ranjan
kumar who came on motorcycle. Informant's wife made query
to Shivam's parents but inspite of assurance, she did not return
hence, they suspect kidnapping of their daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he is falsely implicated in this case. It
is further submitted that after the recovery of the informant's



daughter, the statement under Section 164 of the Cr.P.C. is recorded wherein, she stated that she has voluntarily left the house and went to meet the petitioner and thereafter both went to Lucknow and lived there for a month. It is further stated that the on examination by doctor, the victim girl's age was found to be 18-19 years. Lastly, it has been submitted that the petitioner is in custody since 27.01.2023 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge cum Special Judge, POCSO Act, Motihari, East Champaran in Dhaka P.S. Case No. 733 of 2022.

(Khatim Reza, J)

Sankalp/-

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