

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22051 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- HARSIDHI District- East Champaran

Abhimanyu Kumar Son of Kishori Bhagat Resident of Village - Mohabbat
Chhapra, P.S. - Turkauliya, Distt. - East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 21-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Harsidhi P.S. Case No. 390 of 2022 registered for the offence
under Sections 366-A, 504/34 of the Indian Penal Code and
under Sections 8 & 10 of POCSO Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 15.01.2023.

5. The allegation against the petitioner is to kidnap
the minor daughter of informant aged about 16 years alongwith
other co-accused persons for the purpose of illicit
intercourse/marriage.



6. Learned counsel appearing on behalf of the petitioner submitted that the thrust of allegation is against co-accused, namely, Pankaj Kumar as per the narration of F.I.R., wherein implication of this petitioner is only being co-villagers/ friend of co-accused Pankaj Kumar. It is submitted that informant is not the eye witness of the occurrence and entire implication on hearsay input. It is further submitted that after investigation charge-sheet was not submitted under the provisions of the POCSO Act, as the victim girl during the course of investigation found major on the date of occurrence as her death of birth was found 07.08.2003, as per school records and she went out of her own sweet will. It is also pointed that no CCTV footage as explained through F.I.R. was collected during the course of investigation. While concluding the argument, learned counsel fairly submitted that victim girl is yet to be recovered in this case and moreover, investigation against this petitioner has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence, who appears to be a man of clean antecedent.

7. Learned APP, while opposing the prayer of bail submitted that victim girl is yet to be recovered in this case.

8. Considering the facts and circumstances as



mentioned above, and by taking note of the nature of allegation, above mentioned accused/petitioner is directed to release on bail in connection with Harshidi P.S. Case No. 390 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Court of 6th Additional Session Judge-cum-Special Judge POCSO Act, East Champaran, Motihari/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall co-operate in the trial.

(ii) That accused/petitioner shall be physically present on each and every date before the trial court till conclusion of the trial and exemption from physical appearance be allowed by the trial court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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