

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29469 of 2023

Arising Out of PS. Case No.-112 Year-2018 Thana- SULTANGANJ District- Bhagalpur

Akash Kumar Das, Son of Raj Kishore Das, Resident of village - Lohchi, P.S.
- Bariyarpur (Kharagpur), Distt. - Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Sultanganj P.S. Case No.112 of 2018 registered for the
offences punishable under Sections 366-A, 376 read with 34 of
the Indian Penal Code and Section 4 of the Protection of
Children from Sexual Offences Act.

3. The accused/petitioner is named in the FIR and is
in custody since 15.02.2023.

4. Allegation against the petitioner is to kidnap the
minor daughter of informant aged about 14 years along with
other named co-accused persons for the purpose of illicit
intercourse/marriage.

5. It is submitted by learned counsel that the thrust of



allegation as per FIR is available against co-accused Chhotu Das, who appears to be in love affairs with minor daughter of informant. It is submitted that as petitioner accompanied main co-accused Chhotu Das out of friendship, he was implicated with present case. Learned counsel also pointed out that medical report is not suggesting any occurrence as raised *qua* penetrative sexual assault. Learned counsel further pointed out that in para 203 of the case diary, where statement of mother of victim is available suggesting that her daughter is living happily with co-accused Chhotu Das after solemnizing her marriage out of her own sweet will. While concluding 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 been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that victim named this petitioner in her statement recorded under Section 164 of the Code of Criminal Procedure, where she specifically stated that this petitioner along with co-accused Chhotu Das committed wrong work with her.

7. In view of above-mentioned facts and circumstances, as thrust of allegation is available against co-



accused Chhotu Das, where statement of mother of victim during the course of investigation appears contradicting *qua* statement of victim recorded under Section 164 of the Code of Criminal Procedure, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.02.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO)-cum-7th Additional District and Sessions Judge, Bhgalpur in connection with Sultanganj P.S. Case No.112 of 2018, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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