

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34116 of 2023**

Arising Out of PS. Case No.-401 Year-2022 Thana- SULTANGANJ District- Patna

Vishal Kumar @ Nishal Kumar S/O Late Rajesh Ram R/O Ambedkar Colony,
Sandalpur, Khadpar, P.S.-Sultanganj, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 26-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with
Sultanganj P.S. Case No. 401 of 2022 registered for the offence
under Section 366-A of the Indian Penal Code and under
Section 12 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.11.2022.

The allegation against the petitioner is to kidnap the
minor daughter of the informant, aged about 14 years, for the
purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner falsely implicated with present case as
his love affairs with the victim girl was not accepted by his



family members including this petitioner. It is submitted that even, during the course of investigation, victim did not support the allegation of kidnapping and sexual assault. It is pointed out that the victim already examined during the course of trial as witness no. 1 on 05.04.2023, where she clearly negate the allegation of kidnapping and sexual assault in her depositions and, as such, keeping petitioner behind the bar for any period shall not serve any purpose of justice. While concluding the argument, it has been 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, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of nature of allegation, where victim totally denied the allegation of kidnapping and sexual assault during the course of trial, where petitioner is in custody since 05.11.2022, accordingly, above named petitioner is directed to be released on bail in connection with Sultanjganj P.S. Case No. 401 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 A.D.J.-VII-cum-Special Judge,



POCSO at Patna/concerned court, subject to the conditions as
mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

