

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37480 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Gupteshwar S/O Sanjay Bhagat R/O Village- Khodi Pakad Tola Gopalpur,
P.S- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reema Devi W/O Jai Prakash Tatwa R/O Village- Pandey Ka Pura, .S-
Salarpur, Distt.- Gajipur (U.P.) presently residing at her father's place at
Village- Nadav, P.O- Nadav, P.S- Buxar (Muff.), Distt.- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hari Kishore Thakur, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary, APP
For the Informant	:	Mr.Raju Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Buxar
(Muffasil) P.S. Case No. 41 of 2023 registered for the offence
under Sections 363 and 366-A of the Indian Penal Code and
Section 8 of the POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 11.03.2023.

4. The allegation against the petitioner is to kidnap
the minor daughter of the informant aged about 16 years for the
purpose of illicit intercourse/marriage.

5. Learned counsel appearing on behalf of the



petitioner submitted that the daughter of informant after being recovered, while recording her statement under Section 164 of the Cr.P.C. categorically stated that she out of her own sweet will solemnized her marriage and living happily with the petitioner, where she completely negated allegations of kidnapping. 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.

6. Learned APP duly assisted by learned counsel appearing on behalf of the Informant, also supported the factum of marriage.

7. In view of the facts and circumstances as mentioned above as victim negated allegations of sexual assault and kidnapping against the petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.03.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Buxar (Muffasil) P.S. Case No. 41 of 2023 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 District



Judge-6, cum Special Judge, POCSO Act, Buxar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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