

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39117 of 2023

Arising Out of PS. Case No.-386 Year-2021 Thana- BAGHA District- West Champaran

MOHIT PATEL @ MOHIT KUMAR Son of Lalan Chaudhary R/o village -
Naraipur, ward no. 13, P.S. - Bagaha (Patkhauri), Distt. - West Champaran
... .. Petitioner/s

Versus

The State Of Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Sharan Tiwari, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Bagha
(Patkhauri) P.S. Case No. 386 of 2021 registered for the offence
under Sections 363, 366/34 of the Indian Penal Code and under
Section 08 of the POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 08.12.2022.

4. The allegation against the petitioner is to kidnap 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 petitioner falsely implicated with present case out of
previous entities and same is appearing from the narration of the
F.I.R. itself. It is submitted that victim girl denied the allegation of
kidnapping, while recording her statement under Section 161 of the



Cr.P.C. and furthermore, nothing surfaced during her medical examination as to corroborate the allegation raised through present F.I.R., which is not suggesting any sexual assault committed upon minor daughter of the informant. 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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as victim negate the allegation of kidnapping and sexual assault against this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.12.2022, accordingly, above named petitioner is directed to be released on bail in connection with Bagaha (Patkhauli) P.S. Case No. 386 of 2021 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 Additional District and Sessions Judge-VII-cum-Special Judge (POCSO), West Champaran at Bettiah/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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