

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52857 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- MAJORGANJ District- Sitamarhi

Saroj S/O Md. Abbas Mansuri Resident Of Village- Kalikapur Piprahi Ward
No.5, Ps- Riga, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Majorganj P.S. Case No. 130 of 2023 dated 12.05.2023 registered for the offences punishable u/ss 363, 366A and 372 read with section 34 of the Indian Penal Code and 8 of the POCSO Act.

4. As per the prosecution case, the petitioner, Saroj Kumar was apprehended on the spot while he was taking away the victim by his motorcycle. The victim disclosed that on the



pretext of solemnization of marriage, the petitioner Saroj Kumar was taking away her to Nepal.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. As per the medical report, the age of the victim was assessed in between 18-20 years and the doctor has also opined that there is no definite opinion regarding sexual assault. The charge sheet was submitted under sections 363, 366A, 372 and 376 read with section 34 of the IPC but no offence under sections 363, 366A, 372 and 376/34 of the IPC is made out. The victim in her statement recorded under section 164 of the Cr.P. C. has stated that she was going to Nepal for participating in the orchestra programs. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 11.08.2023 passed in Cr. Misc. No. 50634 of 2023. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 14.05.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sitamarhi in connection with Majorganj P.S. Case No. 130 of 2023, with the following condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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