

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59817 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- MUNGER MUFFASIL District- Munger

Sunil Kumar, Son of Rajnati Mahto Resident of Village - Dhautal Mahto Tola,
Tika Rampur, P.S.- Muffasil, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shankar Mahto, Son of Mahendra Prasad Singh, Resident of Village -
Aadarsh Gram Tika Rampur, P.S.- Muffasil, District - Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

At the outset, it is directed to learned counsel appearing on behalf of the petitioner to remove the defect(s) as pointed out at serial nos.1 and 2, during the course of day itself, whereas the defect(s) as pointed out at serial no. 3 be ignored, as same is the part of the order, which certainly cannot be corrected by learned counsel appearing on behalf of the petitioner.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.



The petitioner seeks bail in connection with Munger Muffasil P.S. Case No. 27 of 2021 registered for the offence under Sections 147, 148, 347, 366(A), 354(B)(C), 323 of the Indian Penal Code read with Section 8 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in custody since 15.05.2022.

The allegation against the petitioner is to kidnap the minor daughter of informant, aged about 12 years for the purpose of illicit intercourse alongwith other co-accused persons/family members.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated in this case arises out of neighbourhood disputes and differences, which is founded over a pathway crossing between the house of the parties. It is also submitted that as per face of FIR, the thrust of allegation appears against co-accused, namely, Rahul Kumar, whereas the allegation against this petitioner was appearing is very much general and omnibus. While concluding the argument, it is submitted that petitioner involved in one more criminal case, where he is on bail and, moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.



Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner appears very much general and omnibus, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Munger Muffasil P.S. Case No. 27 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-Cum-Additional District & Sessions Judge-VI, Munger/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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