

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57966 of 2023

Arising Out of PS. Case No.-829 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Bobby Singh @ Pranay Kumar Singh @ Bobby, S/O Jyoti Singh, Resident Of
Rauta Bansi Nearby Durga Mandir, Ward No. 09, Rauta Khem, Dist- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Saharsa P.S. Case No. 829 of 2022 registered on 15.10.2022 for the alleged offences under Sections 363, 365, 366A, 506 and 120B of the Indian Penal Code and Sections 6 and 8 of the POCSO Act.

3. As per prosecution case, the informant gave a written report to the police about kidnapping of his minor sister by petitioner and other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not abducted the victim and she is a married woman aged above 18 years. The statement of the



victim girl was recorded under Section 164 Cr. P.C. wherein she has categorically stated that she does not know the petitioner and petitioner was not involved in this case and she left her house on her own and stayed in Bombay in a rented accommodation. Earlier the same informant lodged a criminal case against the petitioner bearing Saharsa P.S. Case No. 568 of 2021 under Sections 363, 366A of IPC and Sections 6 and 8 of the POCSO Act. In that case petitioner was granted bail by the learned sessions court. The petitioner is a student of I.A. and he has no role in the alleged occurrence. The petitioner is in custody since 09.02.2023. Petitioner is accused in one case but he is on bail in that case.

5. Learned APP opposes the prayer for bail submitting that there is specific allegation the petitioner and the girl is minor and her matriculation certificate show her date of birth is 05.01.2006.

6. Perused the records.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl recorded under Section 164 Cr.P.C. before the learned Magistrate in which she has absolved the petitioner from any wrong doing, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.



20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIth, Saharsa-cum-Special Judge POCSO Act, Saharsa/concerned court in connection with Saharsa P.S. Case No. 829 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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