

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58607 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- BARBIGHA District- Sheikhpura

Ajit Kumar S/O Gyani Mahto R/O Village- Pind, Ps. Chewara, Dist. Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi W/O Ranjeet Mahto R/O Village- Sherpar, Ps. Barbigha, Dist. Sheikhpura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 05-12-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 366(A), 371, 386/34 of the Indian Penal Code but cognizance has been taken U/s 366(A) of the IPC and U/s 8 of the POCSO Act.

3. The allegation against the petitioner along with others is of twice abducting the daughter of the informant for compromising a case and threatened to kill her.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. The victim girl has been recovered and



her statement recorded u/s 164 of the Cr.P.C., in which she does not whisper any complaint with regard to physical assault, sexual abuse/misbehave against the petitioner to the victim girl. He submitted that the age of the victim girl has assessed by the Medical Board is between 16 to 17 years. The alleged victim girl has been returned on 10.08.2022 and her statement U/s 164 of the Cr.P.C. has been recorded on 11.08.2022. He is languishing in judicial custody since 17.04.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 6th Additional District and Session Judge, Sheikhpura in connection with Barbigha P.S. Case No. 300 of 2022 with a conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(ii) Petitioner shall remain physically present as



directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(iii) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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