

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57556 of 2022

Arising Out of PS. Case No.-359 Year-2022 Thana- KAHALGAON District- Bhagalpur

Vikash Kumar @ Bikash Kumar, Son of Shankar Chaudhary R/V- Dumaria
Bishanpur, P.S- Mansahi, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with POCSO Case No. 70/22 arising out of Kahalgaon Rasalpur P.S. Case No. 359 of 2022 registered for the alleged offences under Sections 366-A and 34 of the Indian Penal Code and under Section 8 of the Protection of Children From Sexual Offences Act.

As per prosecution case, the minor daughter of the informant was taken away by the petitioner and other co-accused person. Further allegation is of sexual assault on the minor.

Learned counsel for the petitioner submits that petitioner is 19 years old boy and he is innocent and has committed no offence. The petitioner gave no inducement or



used any force against the victim and hence no offence under Section 366-A of the Indian Penal Code is made out against him. The Statement of the victim girl was recorded under Section 164 of the Cr.P.C. in which she has specifically stated that she voluntarily went with the petitioner as they were in love. She has also stated that she has solemnized marriage with the petitioner. There is no allegation of any sexual assault in the statement of the victim girl. Utmost it is a case of elopement and there is no material against this petitioner to show his complicity except that the girl is stated to be a minor. Charge sheet has been submitted in this case and the petitioner is in custody since 26.04.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the consent of the minor is immaterial and the petitioner took away the victim girl and there is no denying of this fact.

Having regard to the aforesaid facts and circumstances and submission made on behalf of the parties and considering the nature of allegation against the petitioner which is bereft of any imputation of sexual assault and also considering the age of this petitioner who appears to be of tender age, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Exclusive Special Judge (POCSO)-cum-Additional District and Sessions Judge-VII, Bhagalpur in connection with POCSO Case No. 70/22 arising out of Kahalgaon Rasalpur P.S. Case No. 359 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Daya/-

U		T	
---	--	---	--

