

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58282 of 2022**

Arising Out of PS. Case No.-165 Year-2022 Thana- SHAHKUND District- Bhagalpur

MONU TANTI @ MUNNA TANTI Son of Late Kabir Tanti R/V-
Kolkashpur, PS- Amarpur, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 17-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Sahkund Sajour P.S. Case No. 165 of 2022, registered for the offence punishable under Section 366(A), 323, 504, 506/34 of the Indian Penal Code and Sections 4, 8 of the POCSO Act.

The petitioner is alleged to have enticed the victim girl and taken her to Haryana and then to Ludhiana.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 8.7.2022. The learned counsel for the petitioner has further submitted that a bare perusal of the statement of the victim girl made under Section 164 Cr.P.C. would show that the victim girl had voluntarily eloped with the petitioner, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that the victim girl is aged about 14 years, hence, her consent is of no consequence, thus, the petitioner is definitely having complicity in the said occurrence of having kidnapped a minor girl.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the fact that the victim girl had voluntarily eloped with the



petitioner, however, also taking into account the fact that she is a minor girl, I am not inclined to grant bail to the petitioner at the moment, however, I deem it fit and proper to direct for release of the petitioner on bail immediately upon framing of charge by the learned trial court, subject to such conditions as may be deemed fit and proper to be imposed by the learned court of Exclusive Special Judge (POCSO)-cum-7th Additional & Sessions Judge, Bhagalpur in connection with POCSO Case No. 109 of 2022, corresponding to Sahkund Sajour P.S.Case No. 165 of 2022.

The present petition stands disposed of with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

Ajay/-

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

