

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62479 of 2022

Arising Out of PS. Case No.-148 Year-2022 Thana- HASPURA District- Aurangabad

Guddu Kumar, Son of Bindeshwar Singh, Resident of Village- Chandhi, P.S-
Haspura District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-03-2023 Heard learned counsel appearing on behalf of the pe-
titioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Haspura
P.S. Case No. 148 of 2022 registered for the offence under Sec-
tions 366(A), 504, 506, 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.06.2022.

The allegation against the petitioner is to kidnap the
minor sister of the informant, aged about 16 years alongwith
other co-accused persons for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been implicated in this case only



being the brother of main co-accused. It is also submitted that as per statement of victim recorded under Section 164 of Cr.P.C. no allegation appears to be made out against this petitioner either of kidnapping or penetrative sexual assault. It is also submitted that thrust of allegation as regard to penetrative sexual assault and kidnapping is available against brother of this petitioner, namely Bablu Kumar, as it appears from statement of victim recorded under Section 164 of Cr.P.C. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of statement of victim as recorded under Section 164 of Cr.P.C., where thrust of allegation as regard to penetrative sexual assault and kidnapping appears against co-accused Bablu Kumar, let the petitioner, above named, is directed to be released on bail in connection with Haspura P.S. Case No. 148 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-Cum-Spl. Exclusive



Judge (POCSO), Aurangabad/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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