

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63179 of 2023**

Arising Out of PS. Case No.-270 Year-2023 Thana- NAWANAGAR District- Buxar

Pankaj Kumar @ Bhuwar, son of Jayprakash Pasi @ Jayprakash Prasad, R/O
Village- Nawanagar, P.S- Nawanagar, Distt.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Dr. Kamal Deo Sharma, Advocate
For the State	:	Mr.Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 06-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Nawanagar P.S. Case No. 270 of 2023 registered for the offence punishable under Sections 366(A)/34 of the Indian Penal Code and Section 8/12 of POCSO Act.

3. The accused/petitioner named in the FIR and is in custody since 19.07.2023.

4. Allegation against the petitioner is to kidnap the minor daughter of the informant aged about 17 years for purpose of illicit intercourse/marriage, where allegation of penetrative sexual is also available against petitioner.

5. It is submitted by learned counsel that the victim while recording her statement during investigation under Section 161 Cr.P.C. stated specifically that she went up to Surat



with the petitioner out of her own sweet-will. It is also pointed out that victim stated through her statement recorded under Section 164 Cr.P.C. which is available in paragraph 35 of the case diary that petitioner was known to her. She out of said acquaintance, went to Surat and Secunderabad along with petitioner. She did not raise any allegation of sexual assault and kidnapping against the petitioner in her statement recorded under Section 164 Cr.P.C. It is also submitted by learned counsel that age of the victim was found between 19-20 years, while conducting her medical examination, and from said medical report nothing surfaced as to suggest that she was subjected to any any sexual assault.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of the fact as from the statement of the victim recorded under section 164 Cr.P.C. nothing surfaced as to suggest kidnapping and sexual assault against the petitioner, where petitioner is in custody since 19.07.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special POCSO Court, Buxar in connection with Nawanagar P.S. Case No. 270 of 2023, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That the petitioner shall not influence the informant/victim or any prosecution witnesses in whatsoever manner during the trial, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Chandra Shekhar Jha, J.)

Sanjeet/Rajeev-

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