

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65285 of 2022

Arising Out of PS. Case No.-53 Year-2017 Thana- MAJORGANJ District- Sitamarhi

1. Vivek Kumar @ Vicky Kumar Son of Sikandar Singh Resident of Village- Narkatiya, Ward No-8, P.S.- Majorganj, District- Sitamarhi
2. Sikandar Singh Son of Kari Singh Resident of Village- Narkatiya, Ward No-8, P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-04-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Majorganj P.S. Case No. 53/2017 (Tr. No. 61/20) for the offence under Sections 363, 366 (A) and 376 of the I.P.C. and Section 4 and 6 of the POCSO Act pending in the Court of Addl. Session Judge-VI-cum-Special Judge POSCO Act, Sitamarhi lodged on 18.02.2017 by the informant Maheshwar Singh.

The prosecution story, in brief, is that the informant Maheshwar Singh gave a written report dated 18.02.2017 to the SHO of Majorganj P.S. alleging therein that her grand-daughter Chanchala Kumari aged about 15 years was coming from school at 02.00 pm on 15.02.2017, some persons got her seated on the



motorcycle forcibly. The people present there tried to save her but they fled away towards south pointing pistol. The informant tried his best to search her but failed. The informant got information that the petitioners and some other unknown accused persons kidnapped her. Thereafter, the informant went to the petitioners' village where Baby Devi, mother of the petitioner no. 1 tried to assault him.

It has been contended by the learned counsel for the petitioners that subsequently the victim girl made statement under Section 164 Cr.P.C. in which she has narrated that it was only Subhash who had taken her to Kolkata in which there was no role of the accused Jitendra Singh, Vicky Kumar, Sikandar Singh and Abhishek Kumar Singh.

The further submission is that Jitendra Singh and Abhishek Kumar Singh who were also made accused alongwith Baby Devi have since been granted relief by a coordinate Bench of this Court in Cr. Misc. No. 33805 of 2021 dated 16.05.2022.

Learned APP opposes the prayer for bail.

Considering the fact that the victim girl has made 164 statement and has not made any accusation against these two petitioners although specific allegation is against Subhash and



other accused persons who have already been granted relief by a coordinate Bench of this Court, this Court is inclined to grant them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POSCO Act, Sitamarhi, in connection with Majorganj P.S. Case No. 53 of 2017 (Tr. No. 61/2020) subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Kiran

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