

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64186 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- BANGAWON District- Saharsa

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SUNNY KUMAR S/O MANOJ SAH R/O VILLAGE- BARIYAH BAZAR,
P.S- BANGAON, DISTRICT- SAHARSA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Nafisuzzoha, Advocate
	Ms. Shabina Talat, Advocate
	Mr. Md Nematullah, Advocate
For the Opposite Party/s :	Mr. Anil Prasad Singh, APP
	Ms. Punam Kumari Singh, Advocate
	Mr. Sanjay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bangaon P.S. Case No. 49 of 2023, registered under sections 363, 366A and 34 of the Indian Penal Code and section 12 of the POCSO Act.

3. As per prosecution case, the informant states that his minor daughter was kidnapped by the five named accused persons including the petitioner herein for the purpose of marriage and/or killing her. She did not return home.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The daughter of the informant returned, she was medically examined and her statement was also recorded under section 164 of the Cr.P.C. It



is submitted that in the medical examination, her age was assessed on the basis of radiological examination to be above 20 years. No injury was found. Further, in her statement under section 164 of the Cr.P.C. she categorically states that she went with the petitioner out of her own free will because her parents wanted to marry her elsewhere. On learning about this false case having been registered, she returned. She married the petitioner and wants to stay with him.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that the statement of the victim under section 164 of the Cr.P.C. does not contain much value for the reason that in the said statement herself, her age has been assessed by the Magistrate concerned as 16 years and thus she is a minor. Even otherwise it has come in course of investigation that the victim is a minor as per her entry in the school admission register.

6. Having heard the parties and taking into consideration the allegations in the FIR, the contents of the medical report together with the statement of the victim recorded under section 164 of the Cr.P.C., the petitioner having remained in custody since 8.5.2023 and charge-sheet having



been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Bangaon P.S. Case No. 49 of 2023, on 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, Saharsa-cum-Special Judge POCSO, Saharsa.

(Partha Sarthy, J)

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