

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71733 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- RAJAON District- Banka

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Anshu Kumar, Son of Gopal Sah, Resident of Village-Mahada, Post-Dhauni
Bamdev, Police Station-Rajoun, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-11-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Rajoun P.S. Case no. 219 of 2023, registered under section 366A of the Indian Penal Code. Subsequently, cognizance was taken under section 366 of the Indian Penal Code, section 8 of the POCSO Act and section 9 of the Prohibition of Child Marriage Act.

3. As per the prosecution case, the daughter of the informant who went to attend her school did not return and was not to be found inspite of search. It subsequently transpired that the petitioner had taken her away with the purpose of marriage.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The so called victim daughter of the informant returned and her statement was recorded under section 164 of the Cr.P.C. As would be



evident from the contents of the order of the learned trial Court, in her statement under section 164 of the Cr.P.C., the informant's daughter has categorically stated that she was in love with the petitioner and she herself went with him. The petitioner who has no criminal antecedent is in custody since 17.5.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation, the daughter of the informant having returned, the contents of her statement under section 164 Cr.P.C. as borne out from the order of the learned trial Court rejecting the application for bail of the petitioner, his being in custody for more than 5 months since 17.5.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Rajoun P.S. Case no. 219 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-cum-Special Judge POCSO, Banka.

(Partha Sarthy, J)

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