

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71959 of 2022

Arising Out of PS. Case No.-342 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

Raju Das @ Raju Kumar, Son of Siyaram Das, R/V- Boknari, P.S.-
Makhdumpur Dist- Jehanabad.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-03-2023 Heard learned counsel appearing on behalf of the petitioner 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 Special Case No. 61/2022 (Makhdumpur P.S. Case No. 342/2022) registered for the offence under Sections 363/366(A)/34 of the I.P.C. and under Section 8 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in custody since 18.07.2022.

The allegation against the petitioner is to kidnap the minor daughter of the informant aged about 14 years for the purpose of marriage/illicit intercourse.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner has been falsely implicated in this case for the reason that his love affair was not accepted by the parents of alleged victim. It is also submitted that victim girl in her statement recorded during investigation as under Section 161 of Cr.P.C. and also after recovery under Section 164 of Cr.P.C., denied the allegation of kidnapping and sexual assault as alleged through FIR, rather she stated that out of her own sweet will, she solemnized her marriage with petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is 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, as allegation of sexual assault and kidnapping is not available against this petitioner as per statement of victim, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Special Case No. 61/2022 (Makhdumpur P.S. Case No. 342/2022) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VI-Cum-Spe-



cial Judge (POCSO) Act, Jehanabad/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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