

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65829 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- PUPRI District- Sitamarhi

Shiv Kumar Bhagat, Son of Ram Sundar Bhagat, R/o- Ward No. 13, Post-
Baburaban, Yusufpur, Bajpatti, District- Sitamarhi, Bihar.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raghvendra Kumar, Advocate
For the Opposite Party/s	:	Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2023 Heard learned counsel appearing on behalf of the pe-
titioner 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 Pupri P.S.
Case No. 88 of 2022 registered for the offence under Sections
363, 366(A)/34 of the Indian Penal Code and Section 8 of Pro-
tection of Children from Sexual Offences (POCSO) Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.03.2022.

The allegation against the petitioner is to kidnap the
minor daughter of informant aged about 13 years alongwith
other co-accused persons/family members for the purpose of il-
licit intercourse.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case only for the reason that he is father of the main co-accused Shanni Kumar against whom daughter of informant alleged to have in love affairs. It is submitted that one of the co-accused, namely, Deepak Kumar having similar allegation has already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 22.09.2022 passed in Cr. Misc. No. 34024 of 2022. It is also pointed out that the victim through her statement recorded under Section 164 of Cr.P.C. categorically stated that she solemnized her marriage with son of petitioner, namely, Shanni Kumar out of her own sweet will and as such, the allegation of kidnapping is appearing false on its face. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP while opposing the prayer of bail submitted that petitioner actively participated in present occurrence and further submitted that victim recovered from the house of this petitioner.



Considering the facts and circumstances as mentioned above and by taking note of the fact as petitioner is the father of main co-accused, namely Shanni Kumar, with whom victim solemnized her marriage out of her own sweet will as per her statement recorded under Section 164 of Cr.P.C., coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Pupri P.S. Case No. 88 of 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 Additional Sessions Judge VI-Cum-Spl Judge (POCSO Act), Sitamarhi/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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