

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69555 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- PALI District- Jehanabad

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Aman Kumar Son Of Rajesh Sao @ Butali Sao R/O Mohalla - Rajgir Tulsi
Gali Nichali Bajar Near Masjid ward no. 17, P.S. - Rajgir, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Spl. POCSO Case No. 38 of 2023 (arising out of Pali P.S. Case
No. 12 of 2023) lodged under Sections 363, 366A of the I.P.C.
later on added 368, 370A, 372, 373, 376, 379, 411/34 of the
I.P.C. read with Sections 4, 6, 8, 10 of POCSO Act.

3. As per the prosecution case, the informant's
daughter aged about 13 years was alleged to be kidnapped and
thereafter F.I.R. has been lodged against unknown persons.

4. Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R.. His name has figured in the
F.I.R. only after recovery of the victim who disclosed about
accused, namely, Vijay Kumar and the said Vijay Kumar in his



confessional statement disclosed the name of the petitioner in which it has come that accused Vijay Kumar has sold the minor girl (victim) to the present petitioner.

5. Counsel further submits that petitioner is involved in the orchestra work and he is one of the participant in orchestra. He submits that in the statement under Section 164 of the Cr.P.C., the alleged victim has not disclosed the name of the petitioner that petitioner has done any wrong with her. The only thing which is against the petitioner that petitioner has taken the alleged victim to several places for dancing.

6. Learned counsel for the State opposes the prayer for bail and submits that in the prosecution, the age of the alleged victim is 13 years. As such, for the wrong done with her, POCSO Act is applicable.

7. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

Prakashmani/-

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