

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70417 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- KAHALGAON District- Bhagalpur

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Jitesh Kumar @ Jitesh Sikhiyasan @ Jitesh Rikhyasan So Basant Mushar @
Basant Rikhyasan Resident Of Village- Keshopur, Mushari,P.S.- Kahalgaon,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 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
Kahalgaon P.S. Case No. 244 of 2022 corresponding POCSO
Case No. 46 of 2022 registered for the offence under Sections
366(A) and 34 of Indian Penal Code and Section 8 of POCSO
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.03.2022.

The allegation against the petitioner is to kidnap the
minor daughter of informant, aged about 15 years alongwith



other co-accused persons for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated in this case out of neighbourhood dispute and differences. It is further submitted that no incriminating material surfaced against this petitioner, as per statement of victim, as recorded u/s 164 of the Cr.P.C. It is further submitted that from the bare perusal of the statement of victim, as recorded u/s 164 of the Cr.P.C., it appears that she went on her own will with petitioner, denying the occurrence of kidnapping in totality. While concluding the argument, it has been 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 and by taking note of statement of victim, as recorded u/s 164 of the Cr.P.C., negating the allegation of kidnapping against this petitioner, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kahalgaon P.S. Case No. 244 of 2022 corresponding POCSO Case No. 46 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 Exclusive Special Judge (POCSO) cum VII Additional District and Sessions Judge, Bhagalpur/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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