

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74411 of 2023

Arising Out of PS. Case No.-736 Year-2022 Thana- KAHALGAON District- Bhagalpur

Amit Raj @ Amit Kumar, S/O Manoj Mandal, Resident Of Village-Amapur,
P.S.-GHOGHA, District-Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kahalgaon (Ghogha) P.S. Case No. 736 of 2022 registered for the alleged offences under Sections 365/ 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per prosecution case, the minor daughter of the informant went missing after she had gone to her coaching class. Later on the informant came to know that the petitioner and co-accused Jyotish Kumar kidnapped his minor daughter with the help of other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. True fact of the case is that the victim girl herself went



with Jyotish Kumar and both of them solemnized marriage. Prima facie, no offence under Section 8 of the POCSO Act is made out against the petitioner. Learned counsel further submits that victim girl recorded her statement under Section 161 of Cr.P.C. wherein she has merely stated that co-accused Jyotish Kumar and this petitioner taken her away forcibly by motorcycle. Petitioner is in custody since 26.09.2023. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the statement of the victim girl recorded under Section 161 of Cr.P.C. in which she has stated that the petitioner along with co-accused forcibly took her away on a motorcycle. Learned APP further submits that from the admit card issued by Bihar School Examination Board in which the date of birth of victim is stated as 11.01.2006 and the occurrence took place on 22.07.2022 so the victim girl was minor on the relevant date.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that only allegation against the petitioner is that he was also instrumental in helping the co-accused in kidnapping the victim girl and also considering the clean antecedent of the petitioner along with his period of custody, the petitioner above named is



directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO)-cum-7th Additional District and Sessions Judge, Bhagalpur/ court concerned in connection with Kahalgaon (Ghogha) P.S. Case No. 736 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

