

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72299 of 2022

Arising Out of PS. Case No.-169 Year-2019 Thana- DAWATH District- Rohtas

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Akhilesh Kumar S/o Dhanji Singh @ Dhanji Singh Yadav R/o Village-
Dawath Murat Tola, P.S.- Dawath, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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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 Dawath
P.S. Case No. 169 of 2019 registered for the offence under
Sections 366(A) and 34 and later on Section 376 of the Indian
Penal Code and under Section 04 and 06 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.04.2022.

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

Learned counsel appearing on behalf of the petitioner



submitted that the present prosecution is the result of non-acceptance of love affairs between the petitioner and the victim girl by informant and other family members. It is also pointed out that victim, while recording her statement under Section 164 of the Cr.P.C., denied allegation of kidnapping and sexual assault against this petitioner. It is submitted that victim solemnized her marriage with petitioner out of her own sweet will. It is submitted that allegation regarding sexual assault cannot be raised upon presumptions, merely on the ground as petitioner and victim lived together for four days as wife and husband. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of kidnapping and sexual assault is not available against this petitioner as per statement of victim recorded under Section 164 of the Cr.P.C. 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 Dawath P.S. Case No. 169 of 2019 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 District and Sessions Judge-VII-cum-Exclusive Special Judge, POCSO Act, Rohtas at Sasaram/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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