

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72285 of 2022

Arising Out of PS. Case No.-59 Year-2020 Thana- NAUHATTA District- Saharsa

Chandan Kumar S/o Fula Yadav, Resident of Village- Kashimpur, Ward No-3, P.S.- Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-03-2023 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Nauhatta P.S. Case No. 59 of 2020, lodged under Sections 363, 366(A)/34 of the Indian Penal Code read with Section 8 & 12 of POCSO Act.

As per prosecution case, the allegation against the present petitioner is that he has kidnapped the daughter of informant.

Learned counsel for the petitioner submits that petitioner is in love with the daughter of informant, in this regard one earlier case was also lodged by the same informant

against the petitioner, except these allegations, there is no criminal antecedent of petitioner. He further submits that the statement under Section 164 of Cr.P.C. has been deposed by the alleged victim, who has categorically stated that she is aged about 18 years and without any pressure and coercion she is narrating her statement. It has also been disclosed that no one has forced to leave the house rather she herself left the house and want to live with her husband i.e. petitioner. Learned counsel for the petitioner further submits that antecedent of petitioner is clean save and except one more case, which has been filed by the same informant. He also submits that petitioner is in custody since 16.08.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.S.J.-VI-cum-Spl. Judge (POCSO), Saharsa in connection with Nauhatta P.S. Case No. 59 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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