

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5816 of 2024

Arising Out of PS. Case No.-86 Year-2023 Thana- SIKRAUL District- Buxar

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Ganesh Paswan S/o Gorakh Paswan R/o Vill - Mohanpur, P.S. - Sikraul, P.O. -
Girdharpur, Dist. - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gupteshwar Bhar S/o Late Fulchand Bhar R/o Vill - Mohanpur, P.O. -
Girdharpur, P.S. - Sikraul, Dist. - Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

For the Informant : Mr.Ashutosh Tripathy, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 16-04-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sikraul P.S. Case No. 86/2023 lodged on 12.08.2023 under
Sections 363, 366A of the Indian Penal Code and Sections 8 and
12 of the POCSO Act.

3. As per the prosecution case, the FIR has been
lodged against the sole petitioner with an allegation of
kidnapping the minor daughter of the informant with a view to



marry.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is in custody since 13.08.2023 having no criminal antecedent. On earlier occasion, the case diary has been called for.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner is a minor and it is due to this reason, the FIR has been lodged under the provisions of the POCSO Act.

7. Upon perusal of paragraphs 83 and 86 of the case diary, it transpires to this Court that during the medical examination, the doctor has found the age of the alleged victim between 18-19 years and she has disclosed before the police that she was not kidnapped rather she went with the petitioner with her own sweet will.

8. 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 Additional Session’s Judge cum- Special Jduge, POCSO, VI, Buxar, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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