

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6407 of 2024

Arising Out of PS. Case No.-443 Year-2023 Thana- GOPALPUR District- Bhagalpur

Pintu Kumar S/O DOMAN DAS VILLAGE- BHALUAR, PS. AMARPUR,
DIST. BANKA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, APP
For the Informant	:	Mr. Sunil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 16-04-2024 1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.
2. The petitioner has preferred this application for grant of regular bail in connection with Gopalpur P.S. Case no. 443 of 2023 registered under sections 363 and 366A of the Indian Penal Code and section 8 of the POCSO Act.
3. As per the prosecution case, the informant states that his 17 year old minor daughter who had gone for coaching disappeared and was not to be found inspite of search. Subsequently on inquiry the informant states that the petitioner informed that his daughter was with him. He threatened that if a case was lodged, he would not see his daughter again.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The daughter of the informant returned and her statement was recorded under



section 164 Cr.P.C wherein she stated that she went with the petitioner out of her own free will. They married. It is submitted that even accepting the date of birth of the informant's daughter to be 7.6.2006, her age is about 18 years now. The petitioner is in custody since 13.9.2023 and has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R, the material that has transpired in course of investigation especially the contents of the statement of the informant's daughter under section 164 Cr.P.C and the petitioner having remained in custody for seven months since 13.9.2023, the petitioner is directed to be enlarged on bail in connection with Gopalpur P.S. Case no. 443 of 2023, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO)-cum-Additional District and Sessions Judge- 7th, Bhagalpur.

(Partha Sarthy, J)

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