

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7081 of 2024

Arising Out of PS. Case No.-13 Year-2016 Thana- MALSALAMI District- Patna

Raja Babu @ Raja Kumar @ Rider, (Male), aged about 22 years, Son of Sri Baudhuji @ Vinod Prasad, Resident of Bhaisani Tola, P.S.-Malsalami, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Rajesh Prasad, S/o- Sri Kailash Prasad, R/o- Bhaisani Tola, P.S.- Malsalmi, Distt.- Patna.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Kaushal Kumar, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-06-2024 This matter has been listed under the heading ‘For Orders (on office notes)’.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State. No one appears for the opposite party no. 2 as he refused to receive the notice.

3. The petitioner seeks bail in connection with Special POCSO Case No. 157 of 2023, corresponding to Malsalami P.S. Case No. 13 of 2016 dated 13.01.2016 registered for the offences punishable under Sections 366, 363 and 366(A) of the I.P.C.

4. As per the prosecution case, the petitioner and other accused persons are alleged to have kidnapped the minor



daughter of the informant.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the victim has been recovered and her statement under Section 164 of the Cr.P.C. has been recorded in which she has stated that no one has kidnapped her and she went with the petitioner out of her own will and solemnized marriage with the petitioner in a temple and she wants to live with the petitioner. It is further submitted that a compromise petition has already been filed by the petitioner and the victim girl in the court below. It is further submitted that the victim in her statement has not stated anything about sexual assault against the petitioner. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 01.04.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned VIIth



Additional District and Sessions Judge-cum-Exclusive Special Court (POCSO Act), Patna in connection with Special POCSO Case No. 157 of 2023, corresponding to Malsalami P.S. Case No. 13 of 2016.

8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

