

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16915 of 2024

Arising Out of PS. Case No.-485 Year-2022 Thana- MURLIGANJ District- Madhepura

Abinash Kumar @ Avinash Kumar, aged about 19 years, Male, S/O Baleshwar Mukhiya, R/O Village- Jayrampur Tapra, Ward No. 10, P.S- Murliganj, Distt.- Madhepura.

... .. Petitioner

Versus

1. The State of Bihar
2. Bulbul Devi, W/O Bharat Mukhiya, R/O Village- Jayrampur Tapra, Ward No. 10, P.S- Murliganj, Distt.- Madhepura.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Manoj Kumar and Mrs. Pooja Prasad, Advocates
For the State : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 06-05-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Murliganj P.S. Case No. 485 of 2022, POCSO Case No. 09 of 2023 dated 20.11.2023 registered for the offences punishable under Sections 366, 366A/34 of the I.P.C. and Section 3/4 of the POCSO Act.

3. As per the prosecution case, the petitioner with the help of other co-accused persons kidnapped the minor daughter



of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the statement of the victim under Section 161 Cr.P.C. as well as 164 Cr.P.C. has been recorded in which she has stated that she left her house out of her own will and got married with the petitioner in a Temple. It is further submitted that she in her entire statement has not alleged any bad act with her by the petitioner. The doctor has examined the victim and has not found any internal or external injury on her body and he has also not found any sign of sexual assault. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 12.01.2023.

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

6. 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 Additional Sessions Judge-VI-cum-Special Judge, POCSO Court, Madhepura, in connection with Murliganj P.S. Case No. 485 of



2022, POCSO Case No. 09 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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