

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19695 of 2024

Arising Out of PS. Case No.-556 Year-2023 Thana- ALAMGANJ District- Patna

Nishu Kumar S/o- Sri Manoj Saw R/V- Gai Ghat, Dakshani Gali, P.S-
Alamganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Jitendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Special (POCSO) Case No. 257 of 2023 arising out of Alamganj P.S. Case No. 556 of 2023 dated 21.06.2023 registered for the offence/s punishable u/ss 363, 366, 376(3) of the Indian Penal Code and section 4/6 of POCSO Act.

3. As per the prosecution case, the informant's daughter went to the market but did not return, accordingly the FIR was lodged against unknown.

4. 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 there was love affair between the petitioner and the victim. The victim in her statement recorded u/s 164 of the Cr.P.C. has stated that she solemnized marriage with the petitioner and started living with him. It is further submitted that the victim and her mother denied to be examined medically of the victim. There is no statutory compliance of section 53A and 164A of the Cr.P.C. The victim was not forced or seduced to have illicit relationship with another person. There is no allegation of sexual assault against the petitioner. The victim has not raised any alarm while she was being taken to Delhi. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 08.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and stated that the victim is a minor girl.

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 Court concerned, Patna in connection with Special POCSO Case No.



257 of 2023 arising out of Alamganj P.S. Case No. 556 of 2023,
with the condition/s-:

(1). The petitioner is directed to remain physically
present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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