

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25810 of 2024**

Arising Out of PS. Case No.-447 Year-2023 Thana- GAYA MUFASIL District- Gaya

Santosh Kumar @ Amrit Kumar, Aged about 19 years (Male) S/o- Ramanand Prasad @ Ramanand Bind, R/o Vill- Baradih, P.S.- Moffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
POCSO Case No. 45 of 2024 arising out of Muffasil P.S. Case
No 447 of 2023 instituted for the offences punishable under
Sections 366(A) and 376 Indian Penal Code and Sections 4
and 6 of the POCSO Act.

3. The allegation against the petitioner is that he
abducted the informant's minor daughter on the allurement of
marriage.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence. He
has falsely been implicated in this case. The F.I.R. has been



lodged after the delay of 15 days without any plausible explanation. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 10.09.2023

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R. and impugned order dated 01.03.2024, it appears that on the basis of written report of informant F.I.R. registered u/s 366(A) of the I.P.C. against the present petitioner. On perusal of impugned order, it appears that investigation is already concluded and chargesheet has been submitted against the petitioner under Sections 366(A) and 376 of the I.P.C. and Section 4/6 of the POCSO Act. It also appears that victim in her statement recorded u/s 164 of the Cr.P.C., has stated that accused had taken her to Hariyana and had kept her there for one month and committed wrongful Act against her. The age of the victim is about 15 years and in her medical examination intercourse in past has not been denied.

7. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and serious nature of allegation, I am not inclined to grant bail to



the petitioner.

8. Prayer for regular bail of the petitioner is hereby
rejected.

(Ramesh Chand Malviya, J)

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