

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37745 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- KUDRA District- Kaimur (Bhabua)

Ujjawal Kumar Son of Manoj Ram R/O Vill.- Sakari, P.S.- Kudra, Dist.-
Kaimur At Bhabhua

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Priyanka Sah D/O Raj Kumar Sah R/O Vill.- Jehanabad Kudra, P.S.- Kudra,
Dist.- Kaimur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Adv. Mr. Dhananjay Mishra, Adv. Mr. Arun Kumar, Adv.
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the O.P. No. 2	:	Mr. Nilesh Kr. Nirala, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-06-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Kudra P.S. Case No. 130 of 2024 registered for the

offence under Sections 363, 366(A)/34 of the I.P.C. and

Section 12 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in

custody since 09.04.2024.

4. The allegation against the petitioner is to

kidnap the minor daughter of the informant aged about 14

years for the purpose of illicit intercourse/ marriage. The



allegation of sexual assault is also available.

5. Mr. Y.V. Giri, learned senior counsel appearing on behalf of the petitioner submitted that the petitioner is falsely implicated in present case out of family dispute that is matrimonial dispute between the informant and his wife, which is not even remotely connected with the petitioner. It is submitted that as the dispute arises between the informant and his wife regarding admission of their daughter, who alleged to be the victim of this case, in a school running by petitioner present false implication was made. It is submitted that the victim while recording her statement under Section 164 of the Cr.P.C completely negate the allegations of kidnapping and sexual assault by the petitioner, rather it was stated thereof that the informant, who is her father is a habitual drinker, who himself made an attempt to molest her on certain occasions. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of



tampering with the evidence.

6. Learned APP duly assisted by learned counsel for the informant opposes the prayer for bail.

7. In view of the aforesaid facts and circumstances and by taking note of nature of allegation as well as the statement of the victim girl as recorded under section 164 of the Cr.P.C where she completely negate the occurrence of sexual assault as alleged against petitioner, coupled with fact that charge-sheet has already been submitted, accordingly, let the petitioner, above named petitioner is directed to be released on bail in connection with Kudra P.S. Case No. 130 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO cum ADJ-VI, Bhahua (Kaimur), subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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