

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38412 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- BAUNSI District- Banka

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Kundan Thakur @ Kundan Kumar Son Of Nandlal Thakur Resident Of
Village - Pallawa/ Palwa, Police Station - Sanhoula, District - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Balram Kapri, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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

ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection
with Bounsi P.S Case No. 350 of 2023 registered for the
offences punishable under Sections 366(A) of the I.P.C.

3. As per prosecution case, it is a case of
abduction of the minor girl of the informant.

4. Learned counsel for the petitioner submits
that petitioner has falsely been implicated in this case. It
is further submitted that victim has stated in her
statement under Section 161 of the Cr.P.C and 164 of
the Cr.P.C that she had came in contact with petitioner



on facebook and stated liking the petitioner and proposed the petitioner to marry her and the petitioner married with her in the temple. It is next submitted that doctor has also assessed victim's age about 17-19 years in medical certificate. Petitioner has got clean antecedent as stated in para 3 of the bail petition. It is also submitted that petitioner is in judicial custody since 06.12.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order it appears that there is no allegation of sexual assault against the petitioner as victim has stated in her statements under Section 161 and 164 of Cr.P.C. and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge 6th -cum-Spl. Judge POCSO,
Banka in connection with Bounsi P.S Case No. 350 of
2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on the above conditions and he shall be present physically on each and every date before the trial court till conclusion of the proceeding of framing of charge. Further, Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the trial court till conclusion of the trial and in his absence on two consecutive dates without any cogent reason will be sufficient to cancel his bail bonds.

(Ramesh Chand Malviya, J)

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