

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41155 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- SAHEBPUR KAMAL District-
Begusarai

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Shyam Kumar @ Shyam Babu Kumar@ Shyam Babu Kumar Jha Son Of
Vidyanand Jha Village- Sanha Parora Purab, Ward No. 05 Ps- Sahebpur
Kamal, Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mira Devi Wife Of Ram Bharas Tanti Village- Panchveer, Ward No. 01, Ps-
Sahebpur Kamal, Dist- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Modassir Raza
For the Opposite Party/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Sahepur Kamal P.S. Case No. 302 of 2023 registered

for the offence under Section 366(A) of the I.P.C., under

section 3(1)(r)(s)(w)/2v of SC/ST Act and under Section

8 of POCSO Act.

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

in custody since 04.01.2024.

4. The allegation against the petitioner is to

kidnap the minor daughter of the informant aged about



15 years for the purpose of illicit intercourse/marriage who is a member of schedule caste community.

5. Learned counsel appearing on behalf of the petitioner submitted that after recovery of the victim her statement was recorded under Section 161 and 164 of the Cr.P.C respectively where she categorically stated that out of her own sweet will she went with the petitioner and thus she negated completely the allegation of kidnapping. It is submitted that the facial value of FIR no where suggests that occurrence is alleged to be arises out of the caste of the informant and as such same not appears to attract prima-facie any atrocities as defined within the meaning of S.C./S.T. (POA) Act, 1989. It is further submitted that as per medical report the age of the victim was ascertained between 17 to 19 years, the benefit of which must be given to this petitioner. 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 Spl. PP opposes the prayer of bail.

7. In view of the aforesaid factual submissions and by taking note of the fact as the victim girl completely negate the allegation of kidnapping through her statement recorded under Section 161 and 164 of the Cr.P.C., coupled with fact that charge-sheet has already been submitted, accordingly, the petitioner, above named, is directed to be released on bail in connection with Sahepur Kamal P.S. Case No. 302 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VI-cum-Special Judge POCSO Act, Begusarai, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

Sudha/-

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(Chandra Shekhar Jha, J)

