

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46166 of 2024

Arising Out of PS. Case No.-112 Year-2018 Thana- SULTANGANJ District- Bhagalpur

Chhotu Kumar Das @ Shiv Kumar Das @ Chhotu Das S/O Late Bachho Das
R/O Village- Jagir Lochi, P.S- Kharagpur, Distt.- Munger

... .. Petitioner

Versus

1. The State Of Bihar
2. Shyam Das S/O Late Banarsi Das R/Vill- Mahesi, P.S- Sultanganj, Distt.- Bhagalpur.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2024 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Sultanganj P.S. Case No.112 of 2018 registered for the offences punishable under Sections 366-A, 376 read with 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

3. The accused/petitioner is named in the FIR and is in custody since 06.04.2023.

4. Allegation against the petitioner is to kidnap the minor daughter of informant aged about 14 years along with other named co-accused persons for the purpose of illicit



intercourse/marriage.

5. It is submitted by learned counsel that the thrust of allegation as per FIR is available against this petitioner, who appears to be in love affairs with minor daughter of informant. Learned counsel further pointed out that in para 203 of the case diary, where statement of mother of victim is available suggesting that her daughter is living happily with petitioner after solemnizing her marriage out of her own sweet will. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. opposes the prayer of bail of the petitioner.

7. In view of above-mentioned facts and circumstances, as the statement of mother of victim during the course of investigation appears contradicting *qua* statement of victim recorded under Section 164 of the Code of Criminal Procedure, coupled with the fact that charge-



sheet has already submitted, where petitioner is in custody since 06.04.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO)-cum-7th Additional District and Sessions Judge, Bhgalpur in connection with Sultanganj P.S. Case No.112 of 2018, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

Rajeev/-

U		T	
---	--	---	--

