

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42586 of 2024

Arising Out of PS. Case No.-238 Year-2024 Thana- JAMUI District- Jamui

Mithun Kumar Son Of Shyamdeo Mandal Village- Amba, P.S.- Jamui, Distt.- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Tanti Son Of Awdhesh Tanti Village- Ramnagar, P.S.- Halsi, Distt.- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Braj Kishore Pd., APP
For the Informant	:	Mr. Rajesh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 24-10-2024 Heard learned counsel for the petitioner, learned APP for the State, learned counsel for the informant and perused the case diary.

2. The petitioner seeks bail in Jamui P.S. Case No. 238 of 2024, instituted for the offences punishable under Section 366-A of the Indian Penal Code and later on Section 8 of the POCSO Act has been added.

3. The prosecution case, in short, is that, the petitioner along with his family members threatened the daughter of the informant that they will kidnap her and get married to the petitioner. After few months the victim was kidnapped and it is suspected by the informant that the petitioner has kidnapped his daughter.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner also submits that there is no specific allegation attributed against the petitioner. There was a sweet relation in between the daughter of the informant and the petitioner. The daughter of the informant has gone with the petitioner on her own will. It is further submitted that the victim in her statement recorded under Section 164 Cr.P.C. has accepted her sweet relation with the petitioner since last two years and has not stated any adverse against the petitioner. Whereas, no sign of physical or sexual assault has been reported in her medical examination report. The petitioner is in custody since 26.04.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jamui P.S. Case No. 238 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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