

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44719 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- NALANDA District- Nalanda

Abhijit Kumar, aged about 20 years, Male, son of Bhim Singh, R/O Village-Skraurha, P.S.+ District- Nalanda.

... .. Petitioner

Versus

- 1. The State of Bihar.
- 2. Sonu Kumar, S/o Santosh Singh, R/o vill and Post - Sakraura, P.S. and Distt. - Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner	:	M/S. Rana Baljit Singh and Naresh Kumar Mehta, Advocates
For the O.P. No. 2	:	Mr. Pravin Kumar, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 13-08-2024 This matter has been listed under the heading ‘For Orders (on office notes)’.

2. Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Nalanda P.S. Case No. 59 of 2024 dated 30.03.2024 registered for the offences punishable under Section 366A/34 of the I.P.C. but the charge sheet has been submitted for the offences punishable under Sections 363, 366A of the I.P.C. and Sections 8 and 12 of the POCSO Act.



4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor sister of the informant for the wrong purpose by enticing her.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the charge sheet has been submitted by the police only against the petitioner and not against his other family members. The victim has been recovered and her statement under Section 164 of the Cr.P.C. has been recorded in which she has stated that on 29.04.2024, the petitioner took her to *Kolkata* for the tour. There is nothing on record to show that the victim was forced or seduced to have illicit intercourse with another person. It is further submitted that in paragraph no. 34 of the case diary, it has been mentioned that the victim denied to be medically examined by the doctor. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 05.04.2024.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of



the case as well as the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Bihar Sharif, Nalanda in connection with Nalanda P.S. Case No. 59 of 2024.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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