

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56307 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- SIKRAUL District- Buxar

Upan Bhar @ Upan Kumar, aged about 20 years (M), Son of Fagun Bhar @
Sri Bhagwan Rajbhar, R/O Vill.- Basanv Khurd, P.S.- Itarhi, Dist.- Buxar.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sureshwar Ram, Son of Late Moosh Ram, R/O Vill.- Satuhari, P.S.- Sikraul,
Dist.- Buxar.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Dr. Kamal Deo Sharma, Advocate
For the State	:	Mr. Rabindra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 30-09-2024 This matter has been listed under the heading 'For
Orders (on office notes)'.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with POCSO
Case No. 84 of 2024, arising out of Sikraul P.S. Case No. 58 of
2024 dated 03.05.2024 registered for the offences punishable
under Section 366A of the I.P.C. and Sections 8 and 12 of the
POCSO Act.

4. As per the prosecution case, the petitioner is alleged
to have kidnapped the minor daughter of the informant for the
purpose of marriage.



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 victim has been recovered and her statement under Sections 161 and 164 of the Cr.P.C. have been recorded in which she has stated that on 28.04.2024, she had gone with the petitioner to Delhi and later on, she has stated that she had not gone to Delhi rather she had gone to the house of the petitioner's Fua at Kotwa, Narayanpur, where they stayed and from there the petitioner took her to his maternal's house and told that he will marry her but on 03.05.2024, the petitioner fled away after leaving her on *Badhari* in the field. It is further submitted that from perusal of the medical report, which is in paragraph no. 48 of the case diary, it appears that the victim's age is between 17 to 18 years and she and her mother refused for internal medical examination of the victim. The petitioner and the victim are major. The victim was not forced/seduced to have intercourse with any other person. The alleged occurrence took place on 28.04.2024 as to when the F.I.R. has been lodged on 03.05.2024 and for the delay in lodging of the F.I.R., has not been explained by the prosecution. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case



since 04.05.2024.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as 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 Additional Sessions Judge-VI-cum-Special Court, POCSO Act, Buxar, in connection with POCSO Case No. 84 of 2024, arising out of Sikraul P.S. Case No. 58 of 2024 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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