

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57797 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- PANJWARA District- Banka

Gautam Das, aged 19 years (Male), Son of Chandar Das, R/V- Village-
Lakhpura, Police Station- Panjawara, District -Banka.

... .. Petitioner

Versus

- 1. The State of Bihar.
- 2. Manoj Das, aged not known, Son Of Jethu Das, R/V- Village- Lakhpura,
Police Station- Panjawara, District -Banka.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Advocate
For the State : Mr. Ram Priya Sharan Singh, A.P.P.

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

ORAL ORDER

3 07-10-2024 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
Panjawara P.S. Case No. 43 of 2024 dated 05.05.2024
registered for the offences punishable under Sections 366A/34
of the I.P.C. in which charge sheet has been submitted for the
offences punishable under Sections 366A read with Section 34
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 by enticing her.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged occurrence took place on 02.05.2024 as to when the F.I.R. has been lodged on 05.05.2024 after a lapse of three days without giving any sufficient reason regarding delay in lodging of the F.I.R. which creates doubt about genuineness of the prosecution. There was love affair between the parties. The victim in her statement recorded under Section 164 of the Cr.P.C., has stated that she loved the petitioner and she of her own sweet will went with him and married with him. No one had forcibly took her. She was not forced/seduced to illicit relationship with any other person. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 06.05.2024.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the bail petition of the petitioner. Learned counsel for the opposite party no. 2 has further submitted that the petitioner had kidnapped the minor daughter of the informant.



7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to 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 learned Additional Sessions Judge-6-cum-Special Judge, POCSO, Banka/Successor Court, Banka in connection with Panjawara P.S. Case No. 43 of 2024.

8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

