

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57022 of 2024

Arising Out of PS. Case No.-435 Year-2023 Thana- BELHAR District- Banka

Nitesh Das @ Nitish Kumar Das Son of Basuki Das R/O Vill.- Bishanpur,
P.S.- Belhar, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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

ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Belhar P.S. Case No. 435 of 2023 dated 10.10.2023 registered for the offences punishable u/s 366A read with section 34 of the Indian Penal Code and Section 08 of the POCSO Act.

3. As per the prosecution case, on 08.10.2023, the co-accused persons Laltus Das and Suman Das alongwith the petitioner are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.

4. 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 occurrence took place on 08.10.2023 and the F.I.R. has been lodged on 10.10.2023 after a delay of two days for which no explanation has been given by the prosecution. As per the statement of the victim recorded u/s 164 of the Cr.P.C. the victim has not taken the name of the petitioner. It is further submitted that there is no role of the petitioner in kidnapping the minor daughter of the informant. Earlier the bail of the petitioner was rejected by this court *vide* order dated 08.05.2024 passed in Cr. Misc. No. 17304 of 2024. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 02.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the nature of allegation levelled against the petitioner 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 Court concerned, Banak in connection with Belhar P.S. Case No. 435 of 2023.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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