

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63834 of 2024

Arising Out of PS. Case No.-36 Year-2022 Thana- BIND District- Nalanda

Hira Kumar @ Heera Kumar son of Basant Kewat R/v - Khalsa, P.S. - Bind,
District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mithlesh Paswan Son of Ram Chandra Paswan R/v - Khalsa, P. S. -Bind,
District -Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha
For the Opposite Party/s : Mr.Binay Krishna

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

ORAL ORDER

2 05-10-2024 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 Bind P.S. Case No. 36/2022 dated 10.03.2022 registered for the offence punishable u/s 366A and 376 read with Section 34 of the Indian Penal Code, Sections 4 and 6 of the POCSO Act and Sections 3(2)(v), 3(1)(r)(w) of the SC/ST.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The victim in her statement recorded u/s 164 of the Cr.P.C. has stated that she was taken to Chennai by the petitioner and the co-accused persons but they have not committed any wrong with her. There is nothing on record which shows that the victim was forced or seduced to have illicit intercourse with another person. Learned counsel has further submitted that the victim has not raised any alarm while she was being taken to Chennai. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 23.06.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl.

6. 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 Court concerned, Nalanda at Biharsharif in connection with Bind P.S. Case No. 36/2022, with the 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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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