

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62773 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- BHAGWANGANJ District- Patna

Om Prakash Kumar @ Marad Son of Raj Kishore Prasad @ Rajkishor Singh
Resident of Daulatpur, P.S. - Bhagwanganj, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalan Kumar Son of Sri Shiv Kumar Thakur Resident of Daulatpur, P.S. - Bhagwanganj, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd Singh

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-09-2024 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 Spl (POCSO) Case No. 150 of 2024 arising out of Bhagwanganj P.S. Case No. 59 of 2024 dated 28.04.2024 registered for the offences punishable u/s 366 A of the Indian Penal Code and Chargesheet submitted u/s 366 A of Indian Penal Code and Sections 8, 12 of the POCSO Act.

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



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is no eye witness of the alleged offence rather the petitioner has been roped in this case merely on the basis of suspicion. It is further submitted that victim has stated in her statement recorded u/s 164 of Cr.P.C. that she went with the petitioner with her own sweet will and there is no complicity of petitioner in her elopement. She was not forced or seduced to have sexual intercourse with another person. A statement has been made in para 3 of the petition that petitioner has clean antecedent. Moreover, he is languishing in judicial custody since 29.04.2024.

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 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, Patna in connection with Bhagwanganj P.S. Case No. 59 of 2024 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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