

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66312 of 2024

Arising Out of PS. Case No.-501 Year-2020 Thana- KAHALGAON District- Bhagalpur

Kundan Ram @ Kundan Kumar Ram son of Panchlal Ram Village- Kairiya,
Mehgawan, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar bihar
2. Late Gainu Yadav S/o Late Chamru Yadav R/o vill - Nadiya Tola, P.S. -
Kahalgaon, Distt. - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Indeshwari Prasad Mandal, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP

**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 POCSO Case No. 78 of 2023 arising out of Kahalgaon P.S. Case No. 501 of 2020 dated 15.08.2020 registered for the offences punishable u/s 366A read with section 34 of the Indian Penal Code and section 4 of the POCSO Act later on learned court below has taken cognizance has been taken u/ss 366A and 376 of the IPC and section 4 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have kidnapped the minor daughter of the informant by



enticing her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There was love affair between the petitioner and the victim. The victim in her statement recorded u/s 164 of the Cr.P.C. has stated that no one kidnapped her and she herself went with the petitioner and solemnized marriage with him in a temple. It is further stated that the medical board assessed the age of the victim girl as 18 years. There is nothing on record showing that the victim was forced or seduced to have illicit intercourse with another person. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 26.06.2024.

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, Bhagalpur in connection with POCSO Case No. 78 of 2023 arising out of Kahalgaon P.S. Case No. 501 of 2020,



with a condition/s:-

(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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