

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72586 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- MAHISHI District- Saharsa

Ashok Kumar Son Of Kavindra Mukhiya @ Kavindra Kumar @ Kavinder
Kumar Resident Of Village Jkhitki Kandaha Ps Mahishi District Saharsa

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application
for grant of regular bail in a case registered for the
offences punishable under Sections 363, 365, 366(A) of
the Indian Penal Code and Section 8, 12 of POCSO Act.

Allegation against the petitioner is that he
abducted the minor niece of the informant for
solemnization of marriage.

It is submitted by learned counsel for the
petitioner that the petitioner is innocent and he has
falsely been implicated in the present case. There is no



eye witness of the alleged offence. Victim has not whispered about the complicity of petitioner in her abduction, in her statement, recorded under Section 164 of Cr.P.C. She has stated that she has already solemnized marriage with the petitioner, in Delhi. Her parents want to solemnized second marriage with other person. Moreover, the petitioner is languishing in judicial custody since 10.04.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Special (POCSO) Case No. 32 of 2023 corresponding to Mahishi P.S. Case No. 79 of



2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge IV-cum-Special Judge POCSO, Saharsa.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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