

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67142 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- Baijnathpur District- Saharsa

Saurav Kumar @ Sourabh Kumar, S/O Arun Yadav, R/O Village-Berba, Ward No. 07, P.S and District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Iliyas, S/O Late Khuda Bax, R/O Village- Dhanchoha, P.S- Baijnathpur, Distt.- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate
		Ms. Bhagyashree Raj, Advocate
For the Opposite Party/s	:	Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Baijnathpur P.S. Case No. 32 of 2024 registered for the alleged offences under Sections 363, 366(A), 504/34 of the Indian Penal Code and Section 8 of POCSO Act.

3. As per prosecution case, the informant alleged that the petitioner and his co-accused father and two unknown persons kidnapped his minor daughter and took her away on his motorcycle.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The FIR has been registered after two days of the occurrence and there is no explanation for the same. The daughter of the informant was recovered along with the petitioner and her statement was recorded under Sections 161 and 164 Cr.P.C. wherein she stated that she went out with the petitioner on her own and the petitioner did not misbehave with her. The daughter of the informant was medically examined and her age was assessed to be 17-19 years and no recent sign of sexual activities were found. The petitioner is in custody since 19.04.2024 and charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf the petitioner.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the age of the victim girl when girl develops sufficient maturity and her statement about leaving her house on her own and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO,



Saharsa, in connection with Baijnathpur P.S. Case No. 32 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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