

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69780 of 2023

Arising Out of PS. Case No.-356 Year-2023 Thana- CHIRAIYA District- East Champaran

Rahul Kumar son of Mewalal Sah Village- Sirauna Ps- Shikarganj Dist-
E.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 15-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Chiraiya (Shikarganj) P.S. Case No. 356 of 2023 instituted for
the offence under Sections 363, 366(A) of the Indian Penal
Code and Sections 4 & 8 of the POCSO Act.

3. As per the prosecution case, petitioner along with
three other co-accused persons have abducted the daughter of
the informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 31-07-2023. Petitioner is a
man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. From perusal of the FIR, it would reveal that petitioner and the daughter of the informant were in love affairs. It is submitted that there is delay of four days in lodging of the FIR. Referring to the statement of the victim recorded under Section 164 of the Cr.P.C. she has deposed that she has gone with the petitioner with her own volition for the purpose of tour and petitioner has not made any sexual relation with her.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and there being no sign of sexual assault in the statement of victim recorded under Section 164 of the Cr.P.C., this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chiraiya (Shikarganj) P.S. Case No. 356 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the



family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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