

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72844 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- PIPRA District- Supaul

Ashish Kumar @ Chhote Lal Son Of Lakshman Tanti @ Lakshan Tanti @
Lakshman Das @ Lakshan Das R/O Vill - Tetrahi, Ward No. 3, Tetraha Kothi,
P.S. - Pipra, Distt. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP
For the Informant/s	:	Mrs. Rabia Gulnaz, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 10-04-2024 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 Pipra P.S. Case No. 79/2023 dated 11.03.2023 registered for the offence punishable u/ss 363, 366A read with 34 of the Indian Penal Code. Later cognizance was taken u/ss 363, 365, 366A, 120B and 376 of the IPC and Sections 4, 6 and 17 of the POCSO Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter and son of the informant.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. There was love affairs between the petitioner and the victim girl. Learned counsel further submitted that the victim was not forced to have illicit relationship with another person. The other co-accused person has already been granted anticipatory bail by this Court *vide* order dated 13.12.2023 passed in Cr. Misc. No. 75763/2023. Learned counsel has submitted that as per the Medical Board, no any sign of physical assault was found but rape could not be ruled out which itself is contradictory. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 24.04.2023

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the informant's son in his statement recorded u/s 164 of the Cr.P.C has supported the prosecution story.

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, Supaul in connection with Pipra P.S. Case No.



79/2023, 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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