

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74715 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- ADAPUR District- East Champaran

SUNNY KUMAR Son of Ramadhar Patel @ Ramadhar Raut Resident of
Village - Rampur Ganauli, P.S.- Muffasil, Bettiah, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 21-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Trial No. 71/2023 arising out of Adapur P.S. Case No. 86/2023 registered for the offences punishable under Sections 363/365/366(A) of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, the accused-petitioner had been running a Briyani house shop in informant's house taken on rent since a month ago & he along with co-accused Abhishek Kumar, pretending to marry, kidnapped informant's minor daughters aged



about 15 & 13 years and on 15.03.2023 while they were going to appear in their examination.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that both girls are in love with two boys Abhishek Kumar and the petitioner and they have preplanned way leave their house with co-accused Abhishek Kumar and they have never alleged against the petitioner regarding any sexual assault in their 164 of the Cr.P.C. statement which is evident from perusal of the case diary. It is also submitted that petitioner is in judicial custody since 19.05.2023.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and period of custody and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge Cum Special Judge, POCSO Act, East Champaran at Motihari in connection with Trial No. 71/2023 arising out of Adapur P.S. Case No. 86/2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on the above conditions and he shall be present physically on each and every date before the trial court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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