

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74806 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- SONBERSHA RAJ District- Saharsa

ARBIND KUMAR, S/O SRI BHOLA MAHTO, R/O VILLAGE-
PACHADHI, BIND TOLI, WARD NO. 05, PS. SONBARSA, DISTRICT
SAHARSA (BIHAR)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. X NA Bihar
3. BIRO KUMAR MISTRI @ SHARMA S/O PURAN MISTRI R/O-
MADHUKAR CHAK, PS. BIHARIGANJ, DIST. MADHEPURA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akash Anand, Advocate
For the State	:	Mr. Md. Ataur Rahman, APP
For the Informant	:	Mr. Amarnath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 29-02-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has preferred this application for
grant of regular bail in connection with Sonbarsa Raj
(Kashanagar O.P.) P.S. Case no. 13 of 2023 (corresponding to
Special POCSO Case no.11 of 2023) registered under sections
363, 366A and 34 of the Indian Penal Code and sections 8 and
12 of the POCSO Act.

3. As per the prosecution case, the informant states
that his 13 year old minor daughter was kidnapped by the
petitioner and other accused persons for the purpose of



marriage.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The allegations are false and incorrect. The daughter of the informant returned and her statement was recorded under section 164 of the Cr.P.C. wherein she has herself stated about going with the petitioner. She was medically examined and her age has been assessed to be between 17 to 19 years. The petitioner is in custody since 20.1.2023 and has no criminal antecedent. Charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner is not only named in the FIR but there is direct allegation against him of having kidnapped the minor daughter of the informant. It is further submitted that her date of birth is 3.4.2008 and thus she was a minor.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR, the daughter of the informant having returned, the contents of her statement under section 164 of the Cr.P.C. wherein she has stated that she went with petitioner out of her



own free will together with the contents of the medical report where her age is assessed to be between 17 to 19 years, the petitioner is directed to be enlarged on bail in connection with Sonbarsa Raj (Kashanagar O.P.) P.S. Case no. 13 of 2023 (corresponding to Special POCSO Case no.11 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-cum-Special Judge of POCSO Act, Saharsa.

(Partha Sarthy, J)

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