

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76970 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- DEHRI TOWN District- Rohtas

GUDDU KUMAR @ MACHHALIYA Son of Ramji Sinha Resident of
Mohalla - Subhasnagar Ward No.- 18, P.O. and P.S.- Dehri-on-Sone, District -
Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 363, 366(A)
of the Indian Penal Code and Section 4, 6 of the POCSO Act.

3. Prosecution case has been lodged against unknown
persons regarding abduction of the minor daughter of the
informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is not named in the FIR. His name was transpired
during investigation. The victim girl was recovered who
statement in her statement recorded u/s 164 of the Cr.P.C. that
she went with Rohan, friend of this petitioner, to Daltenganj
where both live at night. The victim also stated in her statement



u/s 161 of the Cr.P.C. that she was in love with this petitioner but on the date of occurrence she went with petitioner's friend namely, Rohan Kumar to Daltenganj where he made physical relation with her. She has not made any allegation against this petitioner in respect of physical assault or misbehave. He has falsely been implicated in this case. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 9.8.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge, if not framed** in connection with Dehri (Town) P.S. Case No. 78 of 2023 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-VII-Cum-Exclusive Special Court, POCSO, Rohtas at Sasaram.

(Sunil Kumar Panwar, J)

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