

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79081 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- KINJAR District- Jehanabad

CHANDAN @ CHANDAN KUMAR, S/O BHUSHAN DAS, R/O
VILLAGE- PURAINIA, ARWAL, PS. GHOSI KINJAR, DISTRICT-
ARWAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanju Singh, Advocate Mr. Ajay Kumar, Advocate
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Pankaj Kumar, Advocate Mr. Purushottam Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 07-03-2024 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 Kinjar P.S. Case no.74
of 2023 (Special POCSO Case no.57 of 2023) registered under
section 366A of the Indian Penal Code and section 8 of the
POCSO Act.
3. As per the prosecution case, on finding his 17 year
old minor daughter to have disappeared, it is said that inquiries
were conducted and it transpired that the petitioner had eloped
with her by alluring her of marriage.
4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. The daughter of the informant returned and her statement has been recorded under section 164 of the Cr.P.C. wherein she has described herself to be aged 20 years and even the Court has estimated her age to be 18 years. Further even in her Aadhar Card, her date of birth is shown as 3.3.2003 and thus on the alleged date of occurrence she was aged 20 years. She has not supported the prosecution case in her statement under section 164 of the Cr.P.C. The petitioner has no criminal antecedent and is in custody since 10.8.2023.

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 not only the petitioner is named in the FIR but there is direct allegation against him. As per oral instructions received, the trial in the case has commenced and prosecution witnesses are being examined.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the daughter of the informant having returned, the contents of her statement under section 164 of the Cr.P.C. together with the petitioner having remained in custody for 7 months since 10.8.2023, the petitioner is directed to be enlarged on bail in connection with



Kinjar P.S. Case no.74 of 2023 (Special POCSO Case no.57 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 District Judge-VI, Jehanabad.

(Partha Sarthy, J)

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