

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82759 of 2023

Arising Out of PS. Case No.-446 Year-2021 Thana- JOGAPATTI District- West Champaran

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VIVEK KUMAR, son of Omprakash Gupta Village- Macchargawa Ps-
Yogapatti Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Yogapatti P.S. Case No. 446 of 2021, lodged on 16.10.2021
under Sections 363, 366(A), 506, 34 of the Indian Penal Code
read with section 12 of the POCSO Act.

3. As per the prosecution case, FIR has been lodged
against four named accused persons including the present
petitioner against whom there is an allegation of kidnapping of
the informant's daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that during investigation, the victim girl has been
recovered and she has narrated her statement under section 164
of the Cr.P.C. Counsel further submits that the Magistrate has
ascertain the age of the victim girl as 18 years by virtue of case



diary and statement under section 164 of Cr.P.C. which was called for *vide* order dated 20.12.2023.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is clean and he is in custody since 15.09.2023. Counsel further submits that the charge-sheet has already been filed in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that case diary and statement under section 164 Cr.P.C. has been called for in which the victim girl has not made allegation against the petitioner or anyone, rather, she has stated that she herself went to the house of his maternal uncle under state of anger.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 6th-cum-Special Judge (POCSO), Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 446 of 2021, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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