

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79248 of 2023

Arising Out of PS. Case No.-330 Year-2023 Thana- SAUR BAZAR District- Saharsa

Saurav Kumar @ Saurav Kumar Bhagat Son Of Upendra Bhagat R/O Village-
Golma, P.S.- Sour Bazar O.P. Patarghat, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Binay Krishna, APP

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

ORAL ORDER

3 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Sour Bazar P.S. Case No. 330 of 2023 registered for the offence under Section 363, 366 of the IPC read with Sections 4 18 of the POCSO Act and Section 3(1)r of SC/ST Act.

3. The petitioner is alleged to have abducted the minor daughter of the informant with with bad intention.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner is in custody since 14.09.2023. The petitioner has no criminal antecedent. There is delay in lodging the FIR. In her statement under



Section 164 Cr.P.C. The victim girl has stated that she left her parental home along with her younger brother Rupesh Kumar to meet the petitioner and she went to Punjab with him when she came to know that this case has been lodged against the petitioner and his family members. She has also stated before the court below that she may be protected from his father and mother as there is threat of his life and if protection is given then she will go with her parents.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Having heard both the parties, perused the first information report, statement of the victim girl under Section 164 Cr.P.C. and the impugned order 07.10.2023 passed by learned Special Judge, POCSO Act, Saharsa and the case diary. It appears that the victim girl has been recovered and in her statement under Section 164 Cr.P.C. she stated that she had left her parental home on her own sweet will. There is no allegation of sexual assault against the petitioner. FIR was lodged after 14 days of the occurrence. In Question No. 2 and its answer of 164 Cr.P.C. statement of the girl are as follows:

Question:- 2 Say- what happened with you?

Answer:- My mother wanted to get me married but I did not



want to marry rather I wanted to study. On 5th June at 4.00 O clock evening I along with myyounger brother Rupesh Kumar and my friend saurabh Kumar with knowledge to my parents went to Patrghat. Then went to Bihariganj. Only with Saurabh I went to Punjab. Then I came to know that my mother filed case and then alone I came to Golma and Police brought me for statement.

7. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Saharsa in connection with Sour Bazar P.S. Case No. 330 of 2023 .

(Ramesh Chand Malviya, J)

saurabhkr/-

U		T	
---	--	---	--

