

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79840 of 2023

Arising Out of PS. Case No.-339 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Hari Shankar Lal Dev @ Hari Lal Dev Son of Satto Lal Dev R/O Village-
Bathwara, P.S.- Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shambhoo Kumar Suman, Advocate Mr. Aakash Kumar Mishra, Advocate Mr. Mukesh Kumar, Advocate
For the Opposite Party/s :		Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-03-2024 1. Heard learned counsel appearing on behalf of

the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.

and apprehending his arrest in connection with Gaighat

P.S. Case No. 339 of 2021 registered for the offences

punishable under Sections 363, 366 A and 34 of the

Indian Penal Code and Section 4, 8, 12 of the POCSO

Act.

3. The allegation against this petitioner is to

kidnap the minor daughter of informant, aged about 14



years for the purpose of illicit intercourse/marriage.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated with present case as victim herself left her house out of her own sweet will, as out of domestic dispute she was slapped by her mother out of anger. It is further submitted that the allegation of sexual assault is not available against petitioner and moreover, the similarly situated co-accused, namely, Dilkhush Kumar has already been granted bail by one of the learned co-ordinate bench of this Court through Cr. Misc. No. 52460 of 2023 vide order dated 08.11.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing for the State opposes the prayer of bail.

6. Considering the aforesaid factual submissions and by taking note of fact as victim denied any sexual assault through her statement, as recorded



under Section 164 of the Cr.P.C., coupled with the fact that petitioner is a man of clean antecedent, accordingly, the above named petitioner, in the event of his arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI-cum-Special Judge POCSO Act, Muzaffarpur/concerned Court, where the case is pending in connection with Gaighat P.S. Case No. 339 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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