

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11106 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- KUTUMBA District- Aurangabad

Jitendra Bhuiyan @ Jitendra Kumar Bhuiyan, Son of Kail Bhuiya, Resident
of Village - Beldas Colony, P.S - Kutumba District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate

Mr.Aman Vishal, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 03-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner seeks bail in connection with Kutumba P.S. Case No. 207 of 2023, registered for the alleged offence under Sections 363, 366A, 34 of the Indian Penal Code.

03. As per prosecution case, the petitioner kidnapped the minor daughter of the informant with the help of co-accused with an intention to marry her.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The victim girl was having affair with this petitioner and she went with the petitioner on her own and later on, under pressure from her family members, she made wild allegation



against the petitioner and others. The learned counsel further submits that the victim girl refused to undergo any medical examination and, therefore, the allegation of sexual assault or exact age of the petitioner could not be ascertained. The statement of the victim girl does not appear to be believable as she claims that she was taken to Jharkhand and, thereafter, Gujarat, but she never raised any alarm. Even from the statement recorded under Section 164 Cr.P.C., it appears that she was in telephonic contact with her brothers. The FIR has been lodged after delay of six days for which there is no explanation. These facts show the doubtful nature of the case against the petitioner, who is in custody since 10.09.2023. In absence of any medical report, no offences under Section 376 IPC and Section 4 & 6 of POCSO Act could be made out. The learned counsel further submits that the petitioner has no criminal antecedent. The learned counsel further submits that charge sheet has been submitted.

05. Learned A.P.P. vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that there is specific allegation against the petitioner in the FIR as well as in the statements of the victim girl recorded under Sections 161 and 164 Cr.P.C.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the delay in lodging the FIR and also considering the submission of charge sheet, period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Aurangabad/concerned court in connection with Kutumba P.S. Case No. 207 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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