

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9093 of 2024

Arising Out of PS. Case No.-471 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Rajesh Kumar, aged about 22 years, Son of Nepali Mandal, Resident of
Village- Raghopur, P.S.- Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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

ORAL ORDER

3 15-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Nathnagar P.S. Case No. 471 of 2023 instituted for the offences
punishable under Sections 366 (a), 370, 506, 379 of the Indian
Penal Code and Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, accused persons
abducted the daughter of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He further submits that the
alleged occurrence is said to be occurred on 09.06.2023 but the
present FIR has been lodged on 10.06.2023. There is a delay of



one day and there is no plausible explanation. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 20.06.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list, case diary and the impugned order of the learned Exclusive Special Judge-POCSO-cum-Additional District and Sessions Judge-VI, Bhagalpur dated 08.11.2023, it appears that the victim recorded under Section 161 of the Cr.P.C. by the Investigating Officer that no one has kidnapped her and the victim also recorded under Section 164 of the Cr.P.C. in presence of Magistrate stated that she voluntarily went with the petitioner. Both the statement of the victim substantive contradictory develop the story of kidnapping of the victim, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Nathnagar P.S. Case No. 471 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a



period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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