

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52961 of 2024

Arising Out of PS. Case No.-303 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Aakash Kumar @ Golu @ Golu Kumar Son Of Fulena Sah Resident Of
Nabiganj Chapra, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hasina Khatoon, Wife of Naimuddin Mansuri Resident of Nabiganj, P.S.-
Bhagwan Bazar, District- Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mirtunjay Kumar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 20-02-2025 Heard learned counsel for the petitioner and Mr. Binod
Kumar, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 366A of the Indian Penal Code and later on under Sections 376, 120B, 34 of the Indian Penal Code and Sections 4 & 6 of the POCSO Act has been added in the FIR.

3. The case of the prosecution is that the grand daughter of the informant namely, Soni Parvin was living with her and was studying there. From 13.06.2022 at 12 noon, she was missing. She was being searched. The informant came to know that Rahul Kumar was also not at his house. The informant suspects that Rahul Kumar has kidnapped the minor grand daughter of the



informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. During course of investigation, the victim was recovered and has given her statement under Section 164 of the Cr.P.C., wherein, she has stated that Rahul told her to go for a ride and on his instance, she boarded on a tempo. She further stated that Rahul forcefully boarded her in a train and took her to Ludhiana. It is also stated that Appu and Goli came at Ludhiana Station and took her to a room. She has further stated that for one and half months, all three have committed rape with her. The medical examination of the victim was conducted and the doctor has opined that there is no evidence to suggest commission of recent sexual intercourse at the time of examination. Here the petitioner is Aakash Kumar alias Golu. Learned counsel for the petitioner also submitted that the victim has stated the name of Goli and during investigation, it has come that the victim was on talking terms with one Golu whose parentage is different. From perusal of the entire case diary, it is not clear as to how Goli which was named by victim has been transformed into Golu Kumar alias Aakash Kumar. Only in para-65 of the case diary, the re-statement of the informant was recorded by police after four months of the



occurrence and she has named this person as well. This is a case of Section 366 as well. In such cases, the statement of the victim has much importance. The victim has not named this petitioner rather she has named Goli and the name of this Aakash Kumar alias Golu. It is next submitted that the charge-sheet has already been filed. It is further submitted that the petitioner is languishing in judicial custody since 01.08.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bhawan Bajar P.S. Case No. 303 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO, Saran at Chapra.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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