

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60091 of 2024

Arising Out of PS. Case No.-85 Year-2024 Thana- JHAJHA District- Jamui

Sikandar Kumar son of Mitran Yadav village- Heijlar, Ps- Jhajha, dist- jamui

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Manju Devi wife of Siyasan Rawat Village- Parasha, Ps- Jhajha, Dist- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanju Singh, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 16-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147 and 366(A) and 506 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The case of the prosecution is that on 03.03.2024 at about 2.30 AM to 3 AM the daughter of the informant the victim went for attending call of nature who is aged about 13 to 14 years meanwhile four persons on two bikes arrived and they were armed with knife and pistol. Out of them five person were identified. The persons who are being identified are named as Bajrangi Kumar Yadav, Sarashwati Devi, Bidul Yadav, Pabiya



Devi and Sahdev Yadav. It is alleged that these persons took away the 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. During the course of investigation, the victim was recovered and she has given her statement under Section 161 and 164 Cr.P.C. in her statement recorded under Section 161 Cr.P.C. wherein she has stated that she was having affair outside marriage with the petitioner but her family members were not ready to marry with this petitioner. On the alleged date, she called this petitioner and went to Kolkata with him where they solemnized marriage in a temple. In the statement of 164 Cr.P.C. the victim has supported the FIR and has not named any person rather she has only stated that four to five persons on a bike forcefully took her away. In this case, investigation has already been completed. From the statement of the victim recorded under Section 161 and 164 Cr.P.C. it is clear that there is much contradiction in her statements. From perusal of the case diary also, there is nothing against this petitioner. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since



07.03.2024.

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 fact that there is much contradiction in the statements of the victim recorded under Sections 161 and 164 of the Cr.P.C., this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Jhajha P.S. Case No. 85 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-I, Jamui

(Ashok Kumar Pandey, J)

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