

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69805 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- Amdanda District- Bhagalpur

Sipak Kumar Son of Dharmdas Yadav Resident of Village - Belsar, Police
Station - Amdanda, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sakaldev Yadav Son of Late Chamaklall Yadav R/O Vill.- Belsar, P.S.-
Amdanda, Dist.- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baijnath Sah, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP
For the Informant	:	Mr. Harish Chandra Patel, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Amdanda P.S. Case No. 26 of 2024 cum Special POCSO Case
No. 72 of 2024 instituted for the offences under Sections 366A,
504/34 of the IPC and Section 8 of the POCSO Act.

3. Prosecution case, in short, is that this petitioner
enticed away the informant's minor daughter on the pretext of
marriage.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that victim in her statement



recorded under Section 164 of the Cr.P.C. has not whispered anything against this petitioner and even as per medical report, there is no clinical evidence of recent sexual intercourse. It is further submitted that police after investigation submitted charge-sheet under Sections 376(3), 366A of the IPC and Section 4 of the POCSO Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.04.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, Section 164 Cr.P.C. statement as well as medical report of the victim as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amdanda P.S. Case No. 26 of 2024 cum Special POCSO Case No. 72 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

