

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74669 of 2024

Arising Out of PS. Case No.-181 Year-2016 Thana- BIHRA District- Saharsa

Chandan Kumar Rai S/O Bhajan Mahto R/O Village- Rakiya, P.S- Bihra,
Distt.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sikandar Chaudhary S/o Late Yogendra Chaudhary R/O Village- Purikh,
P.S- Bihra, Distt.- Saharsa.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh, Adv.
	:	Mr. Dinesh Maharaj, Adv.
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh. APP
	:	Mr. Subesh Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 28-01-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

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

3. The prosecution case is that the daughter of the
informant used to take tuition from one Shivendra Kumar Rai.
In that connection one Chandan Kumar Rai came to meet
Shivendra Kumar Rai and the victim came in connection with
him. On 21.11.2016 at 5 P.M, when the informant went to
market and his daughter was at home taking tuition, Chandan
Kumar and others came on 2-3 bike and kidnapped 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 course of investigation the victim has given her statement under Section 164 of Cr.P.C. in which she has stated that on the date of occurrence she went to the house of the petitioner from there they went to Supra and started living there in a room. She was in love affair with Chandan Kumar from last 2 years. They also had physical relation. She has further stated that she has solemnized marriage on 01.12.2016 in a temple at Supaul. Two documents of age placed before the learned trial court, both are not the proof of age as per Section 94 of the Juvenile Justice Act. The doctor has opined the age of victim to be above 18 years and her statement goes to show that she has gone with the petitioner on her own will. The petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 27.07.2024.

5. Learned APP appearing for the state and learned counsel for the informant opposed the prayer of regular bail. Learned counsel for the informant has argued that the victim was minor on the date of occurrence and in this case police has



submitted final form on 30.12.2016 and learned POCSO Court took cognizance on 10.10.2021.

6.Having heard learned counsel for the parties and from, hence, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Special (POCSO) Case No. 40 of 2016 arising out of Bihra P.S. Case No. 181 of 2016 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Court, POCSO Saharsa.

(Ashok Kumar Pandey, J)

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