

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73339 of 2024

Arising Out of PS. Case No.-187 Year-2024 Thana- NATHNAGAR District- Bhagalpur

Abhijeet Kumar S/o Laljee Mahto @ Lalji Mahato R/o Shankerpur, Bind Tola, P.S.- Nath Nagar, Dist.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Arvind Mahto S/o Lakshman Mahto R/o vill - Shankerpur, P.S. - Nathnagar, Distt. - Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 20-02-2025 Heard learned counsel for the petitioner, informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 366A, 376 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. The case of the prosecution is that the minor daughter of the informant had gone for ease herself. In the meantime, the petitioner enticed and kidnapped the minor daughter of the informant. She was searched but was not found. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that during the course of investigation, the statement of the victim was recorded under Section 161 and 164 of the Cr.P.C as well. She has stated in her statement recorded under Section 161 of the Cr.P.C. that she was on talking terms with one Abhijeet and once his grand-father saw when she was talking with Abhijeet. She has further stated that she had gone to Jamalpur as her mother had scolded her. In her statement under Section 164 of the Cr.P.C. she has stated that the petitioner has committed rape with her. There is much difference between the statement recorded under Sections 161 and 164 of the Cr.P.C. Further submission is that the victim has denied for medical examination. Moreover, the petitioner is languishing in judicial custody since 29.04.2024 having no criminal antecedent.

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

6. Considering the aforesaid 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 POCSO Case No. 76 of 2024 arising out of Nathnagar P.S. Case No. 187 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 Additional District and Sessions Judge-V cum Special Judge, POCSO, Bhagalpur.

(Ashok Kumar Pandey, J)

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