

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83115 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- AMARPUR District- Banka

Sachin Kumar Son of Bilas Ram @ Vilash Ram Resident of village
-Khurdkol, PS- Amarpur, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Pinku Ram Son of Punam Ram Resident of village -Khurdkol, PS- Amarpur,
District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Mritunjay Narain, Advocate
For the Opposite Party/s	:	Mr. B.N. Pandey, APP
For the Informant	:	Mr. Kamlesh Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 05-02-2025 Heard Mr. Kumar Mritunjay Narain, learned
counsel for the petitioner, Mr. B.N. Pandey, learned APP for the
State and Mr. Kamlesh Kumar Pathak, learned counsel for the
informant.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 363,
366(A), 504, 506 and 34 of the Indian Penal Code and Section 4
of the POCSO Act.

3. The case of the prosecution is that the daughter of
the informant has told that she was going to Amarpur UCO
Bank. When she did not return for a considerable time,
informant started searching then he came to know that the



petitioner along with others has kidnapped the daughter of the informant.

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 victim has given her statement under section 161 and 164 of the Cr.P.C. as well. In her statement under Section 161 of the Cr.P.C. she has stated that she has gone to Patna with her friend and have taken a room and living there with Sachin and one Pritam. During her statement under Section 164 of the Cr.P.C. she has stated that she was forcefully taken away by the petitioner and she was being raped but the medical report does not support the version of the statement of the victim recorded under Section 164 of the Cr.P.C. From perusal of the paragraph 97 of the case diary. it also transpires that a co-villager has stated that the victim was having talking terms with the petitioner and that she herself has gone with the petitioner. As such, there is much contradiction in the statement of the victim recorded under Section 161 and 164 of the Cr.P.C. Moreover, the petitioner is languishing in judicial custody since 27.02.2024 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 Amarpur P.S. Case No. 62 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 Sessions Judge-VI cum- Special, POCSO, Banka.

(Ashok Kumar Pandey, J)

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