

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89506 of 2024

Arising Out of PS. Case No.-169 Year-2023 Thana- ASHOK PAPER MILL District-
Darbhanga

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Md. Tamane @ Md. Tamanne, (Male), aged about 19 years, Son of Late Israil,
Resident of Village Sivsinghpur (Shibaisinghpur), Ward No. 2, Police Station-
A.P.M., District Darbhanga

... .. Petitioner

Versus

1. The State of Bihar
2. Ramesh Bhagat, (Male), Son of Late Rambharos Bhagat, Resident of
Village- Shripur Bahadurpur, P.S- A.P.M , Distt.-Darbhanga

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Nilendu Kumar Choudhary, Advocate
For the State	:	Mr. Surendra Prasad Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with A.P.M.
P.S. Case No. 169 of 2023 dated 02.10.2023 registered for the
offences punishable under Sections 363, 366A read with Section
34 of the I.P.C. Later on, Sections 376 of the I.P.C. and Sections
4/8 of the POCSO Act were also added.

3. As per the prosecution case, the petitioner with the
help of others alleged to have kidnapped the minor daughter of
the informant.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there was love affair between the parties and the victim girl of her own will went with the petitioner and returned on 09.10.2023. The statement of the victim girl has been recorded under Section 161 of the Cr.P.C. in which she has stated that she loves the petitioner and on the alleged date of occurrence, her mother assaulted the victim girl, hence, she called the petitioner and both went to Thalwara Station and from there went to Hayaghat Station and later on went to Delhi by train and stayed there for four days. Thereafter, the petitioner brought her to Samastipur by train and she went to a temple situated near Ashok Paper Mill Curve from where police recovered her. It is further submitted that while the petitioner took the victim from one place to another place, she has not raised any alarm. The victim girl in her statement recorded under Section 164 of the Cr.P.C., has developed a story that a physical relationship was established. There are contradiction in the statements recorded under Section 161 and 164 of the Cr.P.C. The victim was examined by the doctor and in the medical report, no spermatozoa was seen and also the doctor has opined that 'there is no positive evidence to suggest commission of recent sexual intercourse with her'. The



petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 30.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO) Act, Darbhanga in connection with A.P.M. P.S. Case No. 169 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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