

In the Court of Special Judge(Children Court)-cum-A.D.J.I, Munger.

Bail Application

In J.J.B. Case No. 51/2020(Suppl. Mahila P.S. Case No. 57/2019)

State Vrs. Prabhakar Kumar.

08-06-2021 A bail application has been filed on behalf of petitioner Prabhakar Kumar, who is in protective custody since 01-07-2020 in connection with Mahila P.S. Case No. 57/2020 u/ss 366(A)/376 of I.P.C. and Section 8 of POCSO Act and pressed today for hearing. A certificate has been given in para-2 of the bail application that no any bail application has been filed either before this Court or before the Hon'ble High Court, Patna.

The allegation against the petitioner is that petitioner used to make physical relation with the minor daughter of informant aged about 14 years on the assurance of marriage and he also threatened her, if she will not make physical relation with him, he will viral her naked photographs on social media. On dated 27-11-2019 at about 7-00 P.M. petitioner kidnapped the minor daughter of informant. After getting this information informant came to her native village and went to the house of petitioner Prabhakar Kumar where other co-accused persons of this case told the informant that they will handover her daughter within 4-5 days. On 15-12-2019 at about 8-00 P.M. petitioner and his brother and brother-in-law came to the house of informant and left his daughter to his house and also abused the informant in filthy language.

Ld. Counsel for the petitioner submits that petitioner is innocent, he has committed no offence and has been falsely implicated in this case. He further submits that no case u/s 376 of I.P.C. is made out against the petitioner. He further submits that petitioner is in protective custody since 01-07-2020 and he has no criminal antecedent. Hence, petitioner may kindly be enlarged on bail.

Ld. Spl. P.P. opposed the bail application.

I have heard the Ld. Defence Counsel and Ld. Spl. P.P. and also perused the case record.

From perusal of case record it transpires that petitioner is F.I.R. named and in protective custody since 01-07-2020. Allegations against him are that he kidnapped the minor daughter of informant and sexually exploited her. Petitioner was declared child inflict with law having more than 16 years of age

Contd.

08-06-21.3 by Juvenile Justice Board vide order dated 14-08-2020 and was involved in some heinous offence. Charge sheet against this petitioner has been filed and charges against him has been framed. The social investigation report of the petitioner is on record which shows that he has no bad habit and not involved in other criminal incident. Petitioner is also a student of Intermediate and want to continue his further education. The trial of this case could not start due to second wave of COVID-19 pandemic.

Considering the facts and circumstances mentioned above, the bail application of petitioner is hereby allowed. He is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties each of the like amount with the condition that one of the bailors shall be mother of the petitioner. Brother of the petitioner namely, Santosh Kumar is also directed to take care of the education of petitioner to be continued and also that he shall not come in contact with any bad element or criminal and further apprise this Court every three months about the well being of petitioner till the disposal of this case.

Dictated

Special Judge(Children Court)-cum-A.D.J.I,
Munger
08-06-2021