

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14759 of 2020

Arising Out of PS. Case No.-52 Year-2019 Thana- CHAKIA District- East Champaran

SANTOSH KUMAR, Son of Pramod Sharma, Resident of Village - Shanti Nagar, Chakia, P.S.- Chakia, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Adv.

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 363 and 366A of the Indian Penal Code.

Prosecution case in brief is that one Manjo Prasad Gupta submitted to Chakia police on 26.10.2019 to the effect that on 25.02.2019 at about 3.30 pm, when the daughter of the informant namely Nisha Kumari was returning from coaching institute, the petitioner and three others named in the FIR who were with Bolero and motorcycle, had boarded his daughter in Bolero in which accused Anita Devi was present from before. It is further alleged that when the daughter of the informant did not return, the informant made an enquiry and learnt about the



incident and at about 8.00 pm, Anita Devi disclosed that they have committed the crime.

Learned counsel for the petitioner submits that the alleged occurrence took place on 26.02.2019 to which the informant had full knowledge but the instant case has been filed on the next day though the police station is situated at a distance of hardly 2 km. and motorable. He submits that the so-called victim Nisha is major, aged about 20 years and has married with the petitioner on her own sweet will. He further submits that the victim Nisha was residing in her Nana-Nani from the childhood but she was ousted from the house due to not doing the household work then she has married with the petitioner. The aforesaid facts have been disclosed by the so called victim in her statement recorded under Section 164 Cr.P.C. The petitioner has got no criminal antecedent.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate,



13th, East Champaran, Motihari in connection with Chakia P.S.
Case No. 52 of 2019, subject to the conditions as laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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