

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23025 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- BAIRIYA District- West Champaran

ABHINANDAN KUMAR S/o Afsar Yadav Resident of Village- Laukariya,
P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 363, 366A/34 of the Indian Penal Code, Section 12 of the POCSO Act and Sections 3(i) (r) (v) of the SC/ST (POA) Act.

Allegation is that the informant's daughter was kidnapped away by the petitioner and one Afsar Yadav for the purpose of marriage.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is unexplained delay of about 6 days in lodging the FIR. He submits that victim has come back and her medical report shows that the doctor did not find any recent sign of physical assault on her and her age was found to be



between 17-19 years. He submits that victim in her statement recorded under Section 164 Cr.P.C. has supported the prosecution case but when the victim was produced before the court below, she denied to go to her parental home and she expressed her willingness to live with the petitioner. In the circumstances, the victim was sent to Balika Grih, Motihari. He further submits that petitioner bears no criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 08.06.2020.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bairiya P.S. Case No. 160 of 2020.

(Anjani Kumar Sharan, J)

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