

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33119 of 2021

Arising Out of PS. Case No.-42 Year-2020 Thana- MAHILA P.S BAGHA District- West
Champaran

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1. ANISH KUMAR Son of Vinod Sah Resident of Village- Machhargawa Bazar, P.S.- Yogapatti, District- West Champaran.
 2. Pradeep Kumar Son of Vinod Sah Resident of Village- Machhargawa Bazar, P.S.- Yogapatti, District- West Champaran.
 3. Sandeep Kumar Son of Vindo Sah Resident of Village- Machhargawa Bazar, P.S.- Yogapatti, District- West Champaran.
 4. Vindo Sah Son of Gopichand Sah Resident of Village- Machhargawa Bazar, P.S.- Yogapatti, District- West Champaran.
 5. Manju Devi Wife of Vinod Sah Resident of Village- Machhargawa Bazar, P.S.- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Adv
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-10-2021 Heard learned counsel for the parties.

Learned counsel for the petitioner prays for and is allowed to make correction in the name of petitioner no. 4 as **“Vinod Sah”** in place of ‘Vindo Sah’.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 366A/34 of the Indian Penal Code and Section 8 and 12 of the POCSO Act, 2012.

Informant has alleged in his written complaint that on 02.09.2020 at about 11:00 am while Informant went to his fruit shop and his wife was sleeping, petitioner along with FIR named accused took away her minor daughter Soni Kumari for the purpose of marriage and they also promised that his daughter will come back and when she did not return, then he instituted FIR on 10.09.2020.

It is submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case. The statement of the victim girl was recorded under Section 164 of the Cr.P.C by the Magistrate in which she has stated that out of her own volition and sweet will she went with Anish Kumar (petitioner) and solemnized marriage and she went to reside with him in her matrimonial house. Marksheet of Class-X of the victim girl has been enclosed as Annexure-4 in which her date of birth has been recorded as 20.02.2002, as such she is about 18 years of age.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the

case is pending, in connection with **Bagaha Mahila P.S. Case**
No. 42 of 2020, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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