

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37709 of 2020**

Arising Out of PS. Case No.-213 Year-2020 Thana- CHANPATIA District- West Champaran

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Hinmanshu Kumar, Gender- Male, aged about 21 years, son of Narad Sah,  
resident of Village- Dumra, Ward Number 9, Police Station- Chanpatiya,  
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Arbind Kumar Singh, Advocate |
| For the State        | : | Mr. Jharkhandi Upadhyay, APP     |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 06-09-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Arbind Kumar Singh, learned counsel  
for the petitioner and Mr. Jharkhandi Upadhyay, learned  
Additional Public Prosecutor (hereinafter referred to as the  
'APP') for the State.

3. The petitioner apprehends arrest in connection with  
Chanpatiya PS Case No. 213 of 2020 dated 16.05.2020,  
instituted under Sections 366-A/34 of the Indian Penal Code and  
8 of the Protection of Children from Sexual Offences Act, 2012.

4. The allegation against the petitioner and others is  
that they had kidnapped the niece of the informant while she  
was going to her ancestral house with ornaments of the  
informant's wife worth Rs.2,00,000/- and cash Rs. 25,000/-.



5. Learned counsel for the petitioner submitted that the girl is major and that the story in the FIR is totally false for the reason that she was being taken care of and kept by the informant and thus she would not do such a thing by taking away the jewellery of his wife worth Rs.2,00,000/- and also cash of Rs. 25,000/-. However, it was submitted that because the petitioner and the niece of the informant were in love with each other, the informant being unhappy with such relationship, had fixed the marriage of the girl with the brother of the step-mother of the girl who was more than twice her age and, thus, to get over the problem, she had run away and had married the petitioner in Durga Mandir, Bettiah. Learned counsel submitted that during investigation she has stated that nobody had kidnapped her and further that even in her statement before the Court under Section 164 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') she has stated that the story in the FIR is incorrect. Learned counsel submitted that the girl is now living peacefully and happily in the house of the petitioner as his wife.

6. On 21.08.2021, stand was taken by learned counsel for the petitioner that he and his wife i.e., the so-called victim girl would appear before the Court. In terms thereof, the



petitioner and the girl have joined the present proceeding through virtual mode along with learned counsel.

7. On a query, the girl submitted that she has been accepted by her in-laws and is happy in the matrimonial home. The petitioner also submitted that he would keep her in the matrimonial home as his wife and due place shall be given to her and that he shall ensure her dignity, honour and security and shall take care of all her needs. Further, he undertook that the girl would be free to talk to, meet or visit any person she desires without any let or hindrance, either from the petitioner or his family members.

8. Having regard to the aforesaid, in the larger interest, the Court is persuaded to allow the prayer for pre-arrest bail.

9. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO -cum- Additional District & Sessions Judge, 6<sup>th</sup>, Bettiah, West Champaran, in Chanpatiya PS Case No. 213 of 2020, subject to the conditions laid down in Section 438(2) of



the Code and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of his bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

11. The petition stands disposed of in the aforementioned terms.

**(Ahsanuddin Amanullah, J)**

J. Alam/-

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