

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11595 of 2021**

Arising Out of PS. Case No.-253 Year-2020 Thana- GHORASAHAN District- East
Champaran

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BANTI KUMAR Son of Prabhu Sahani, Resident of Village-Piprakothi
Majhariya, P.S.-Piprakothi, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Ashok Kr. Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 13-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 366A, 363 of the Indian
Penal Code, charge-sheet has been submitted u/s 363, 366A,
376 of the Indian Penal Code and 4/6 of the POCSO Act.

Allegation against the petitioner is that he has
kidnapped the victim girl.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the statement of victim recorded
under Section 164 Cr.P.C., she has named the petitioner with the
allegation of kidnapping. The victim has already been
recovered. There is no allegation of sexual assault and physical



assault against the petitioner. The victim has filed a petition in the Court of learned S.D.J.M., Sadar Motihari, vide 579KM / 2020 dated 30.06.2020 for her safety, wherein she has stated that she is in love with the petitioner and on 24.06.2020 she willfully married to the petitioner in the Areraj Dham Temple which is mentioned in Annexures-3 & 3/1 of the bail application. The medical board has assessed her aged between 17 ½ to 18 ½ years, which is mentioned in Annexure-4 of the bail application. The petitioner is languishing in judicial custody since 02.07.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition. Charge has been framed against the petitioner.

Learned APP for the State vehemently opposed the prayer for bail application and submits that the petitioner is main accused in this case.

I perused the records including the case diary, statement of victim recorded under Section 164 Cr.P.C., there is no allegation of sexual assault and physical assault against the petitioner. Charge has been framed against the petitioner.

Considering the aforesaid 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 in connection with Ghorasahan P.S. Case No. 253/2020 to the satisfaction of learned Court below where the case is pending/ successor Court.

(Anjani Kumar Sharan, J)

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