

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.9771 of 2022**

Arising Out of PS. Case No.-61 Year-2021 Thana- CHHAURADANO District- East  
Champaran

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Abhay Kumar Son Of Ram Naresh Singh Resident Of Village- Sukhlahiya,  
P.S.- Darpa, District- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, Addl Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

3      11-08-2022                      Heard learned counsel for the petitioner, the State and  
the informant.

The petitioner apprehends arrest in a case registered  
for the offence punishable under sections 366A/34 of the Indian  
Penal Code and section 8 of the POCSO Act.

Petitioner along with others are alleged to have  
kidnapped the daughter of the informant.

It is submitted by learned counsel for the petitioner  
that the victim is major and both of them married at Delhi with  
consent. The victim in her statement recorded u/s 164 CrPC has  
deposed that she married with the petitioner out of her free will.  
The Medical Board has assessed the age of Victim to be 17 to 18  
years.



Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that even prayer for bail of several similarly situated co-accused have been refused by a co-ordinate bench of this Court vide order dated 16.4.2022, passed in Cr.Misc.No. 69253 of 2021.

Considering the fact that the victim in her statement recorded under section 164 Cr. P. C. has stated that she married the petitioner out of her own free will. The Medical Board has assessed her age to be 17 to 18 years, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VII cum Special Judge, POCSO Act Motihari, East Champaran in Chhauradano Police Station Case No. 61 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

Shashi

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