

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36270 of 2021

Arising Out of PS. Case No.-479 Year-2020 Thana- HARSIDHI District- East Champaran

VINAY KUMAR, aged about 25 years, Gender-Male, Son of Bindeshwari Sahani, Resident of Village - Dhab Tjola Kadhaiya, P.S.- Harsidhi, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Madhurendra Kumar, Advocate
For the Opposite Party : Mr. Arvind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-05-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in connection with Harsidhi P.S. Case No. 479 of 2020 for the offence registered under Sections 363 and 366(A)/34 of the I.P.C. and 8/12 of the POSCO Act.

The prosecution story, in brief, is that on 07.11.2020, the daughter of the informant, namely, Sudha Kumari, went to the Girls High School to make correction in her Admit Card, but she did not return home till evening. On 14.11.2020, quarrel had



taken place in between the informant and co-accused Arvind Das and then co-accused Hardeo Das said that his son (Arvind Das), Ajay Kumar, Vinay Kumar (petitioner), Bindeshwari Sahni, Jai Prakash Sahni and other accused persons have kidnapped the informant's daughter and sold her to the brothel.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. From perusal of the F.I.R. itself, it appears that there was previous dispute between the parties. The case was instituted after more than seven days of the alleged occurrence. Delay has not been explained by the prosecution. Subsequently, the victim has filed a petition before the Superintendent of Police where she has stated that she had left the house out of her own will. She has not supported the allegation made in the F.I.R. Her statement under Section 164 Cr.P.C. has been recorded later and the same was under influence of her parents. Hence, the same cannot be relied upon.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari, Bihar, in connection with Harsidhi P.S. Case No. 479/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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