

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30735 of 2022**

Arising Out of PS. Case No.-95 Year-2021 Thana- PURUSHOTTAMPUR District- West  
Champaran

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VIVEK SAH @ VIVEK KUMAR SON OF SRI DINESH SAH Resident of  
Village-Parsa, P.S.-Purushottampur, District-West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma  
For the Opposite Party/s : Mr.Suresh Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      24-08-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within one  
  
month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the  
  
offence punishable under Section 366A/34 of the Indian Penal Code.

As per allegation, informant's minor daughter was  
  
kidnapped by this petitioner on the pretext of marriage.

The main submissions advanced by Sri Umesh Chandra  
  
Verma, the learned counsel for the petitioner are that petitioner has  
  
no criminal antecedent, FIR was lodged after inordinate delay  
  
regarding which no explanation has been given and the victim has  
  
been recovered and she has recorded her statement before the  
  
Judicial Magistrate in which she has not supported the allegation



made in the FIR and the findings of the doctor concerned who medically examined the victim also go against the allegation made in the FIR.

Sri Suresh Prasad Singh, learned APP appearing for the State has opposed the prayer for bail.

In view of above submissions and mainly considering statement of so-called victim recorded under section 164 Cr.P.C which completely goes against the allegation made in the FIR and while recording the said statement, Judicial Magistrate has assessed victim's age as 20 years and also considering petitioner's custody period, stage of his case, in the opinion of this Court, petitioner deserves privilege of bail. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 7<sup>th</sup> Addl. Sessions Judge-cum- Special Judge, POCSO Act, West Champaran at Bettiah in Purushottampur P.S Case No. 95 of 2021.

**(Shailendra Singh, J)**

s.hassan/-

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