

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43332 of 2021

Arising Out of PS. Case No.-223 Year-2021 Thana- FORBESGANJ District- Araria

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SANTOSH RISHIDEO @ SANTOSH RISIDEV @ SANTOSH K Son of
Bala Rishidev Resident of Village - Laxmpipur, Milki Tola, Ward No.1, P.S.-
Simraha, Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mrs.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-04-2022 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for the
offence under Sections 363, 365, 366(A)/34 of the Indian Penal
Code and Section 8 of the POCSO Act.

As per the prosecution case, this petitioner alongwith
five unknown persons came at the house of the informant on
motorcycles and kidnapped the minor daughter of the informant
and also taken away jewellery and cash from the house of the
informant.

It is submitted on behalf of petitioner that there was
love affairs between the parties and aforesaid fact has also been
stated by the victim girl in her statement recorded under Section
161 Cr.P.C. wherein she has categorically stated that she was in
love with this petitioner and wanted to marry with him and
therefore, left the house after being admonished by her father.



She has further stated that on 25.03.2021, she solemnized marriage with this petitioner and clearly stated that no one has kidnapped her. However, in the statement recorded under Section 164 Cr.P.C., she has contradicted the said statement, but she has not alleged any sexual assault against this petitioner. It is next submitted that the victim girl was medically examined and her age was assessed about 18 years. Petitioner is in custody since 14.04.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as contradictions in the statements and period of custody, the bail petition of petitioner is allowed. Let the above named 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 learned C.J.M., Araria in connection with Forbesganj P.S. Case No. 223 of 2021.

(Prabhat Kumar Singh, J)

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