

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39964 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- HARSIDHI District- East Champaran

NANDAN KUMAR Son of Nayan Sharma Resident of village- Math
Lohiyar, PS- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41953 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- HARSIDHI District- East Champaran

SAROJ KUER @ SAROJ DEVI Wife of Nayan Sharma Resident of village -
Math Lohiyar, P.S.- Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39964 of 2022)

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

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

(In CRIMINAL MISCELLANEOUS No. 41953 of 2022)

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

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2022

CRIMINAL MISCELLANEOUS No.39964 of 2022

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363,
366(A) and 34 of the Indian Penal Code read with Section 8 and



10 of the POCSO Act.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a young boy aged about 20 years and the informant alleges that his minor daughter did not return from school, further on 26.04.2022, a call from Mobile No. 7739914791 came on his Mobile No. 916226312 and the caller threatened, further alleges that Nandan, Raish and Rahul kidnapped his daughter.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that this petitioner and the victim were known to each other and were on talking terms and as such the present false case came to be instituted as the victim on her own volition had accompanied the petitioner from the school to affair. The learned counsel for the petitioner next submits that after the victim came back her statement was recorded under Section 164 Cr.P.C., wherein she has stated that she was called by Saroj, mother of this petitioner and she was made to drink water and from there she was taken to the house of Raish and mother of this petitioner sent her to Delhi with Raish. The learned counsel for the petitioner further submits that from her statement as recorded under Section 164 Cr.P.C. it would further reinforced



his submission that petitioner and the victim were known to each other and were in love and thus she has tried to falsely implicate his mother along with Raish who were objecting to the relationship. The learned counsel for the petitioner next submits that though the victim in her statement under Section 164 Cr.P.C. alleges that she was taken to Delhi but from perusal of Para-24 of the case diary it would manifest that the Investigating Officer has recorded that he received information that the victim was moving around Harsidhi Nahar Chawk and accordingly after informing his superior he along with the father of the victim went to Harsidhi Nahar Chawk from where she was identified by her father and she was brought to the police station. The learned counsel for the petitioner next submits that this amply demonstrates that how the victim has tried to falsely implicate the mother of this petitioner along with Raish, though against this petitioner she has not stated anything adverse in her statement recorded under Section 164 Cr.P.C. The learned counsel for the petitioner further submits that even the victim in her statement recorded under Section 164 Cr.P.C. has not alleged that she was sexually exploited, abused or assaulted.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Harsidhi P.S. Case No. 196 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 41953 of 2022

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code read with Section 8 and 10 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is mother of Nandan.

Learned counsel for the petitioner submits that relies on the order dated 08.12.2022 in Cr. Misc. No. 39964 of 2022 (Nandan Kumar vs. State of Bihar). It is next submitted that in



view of the submissions made in the case of Nandan Kumar, the case of the present petitioner be also considered.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Harsidhi P.S. Case No. 196 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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