

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42641 of 2022

Arising Out of PS. Case No.-547 Year-2018 Thana- MINAPUR District- Muzaffarpur

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Sohan Kumar S/o Kapil Ram, Resident of Village - Bahabal bazar, P.s.-
Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Minapur P.S. Case No. 547 of 2018, lodged under Sections 363,
365 and added Section 366(A) of the Indian Penal Code but
later on charge sheet has been submitted under Section 366(A),
376/34 of the Indian Penal Code read with Section 4 of POCSO
Act.

As per prosecution case, the allegation against the
petitioner is that he has kidnapped the daughter of informant
with a view to marry in connivance with 2 more persons who
are named accused in the F.I.R.

Learned counsel for the petitioner submits that present case has not been filed by the informant, rather it has been filed by the family member who are absolutely against the marriage of alleged victim with the petitioner. He further submits that he has categorically stated in paragraph no.13 and 14 of the application that victim is living with the petitioner in his house as husband and wife after marriage. It has also been stated that they have two children out of their wedlock and presently there is no dispute exist with the alleged victim and petitioner. Learned counsel for the petitioner further submits that petitioner is in custody since 31.03.2022 and charge sheet has already been filed in this case.

Learned counsel for the State vehemently opposes the prayer for bail and submits that from the order passed by Sessions Judge, it transpires that there is ingredients of offence available in the record of case.

Upon specific query that whether charge has been framed in this case or not, learned counsel for the petitioner submits that he is not aware that whether charge has been framed or not.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to

the petitioner, therefore, his bail application is hereby **rejected**.

But liberty is hereby granted to the petitioner that he may renew his prayer for bail before the Trial Court after framing of charge.

The Trial Court is directed to release the petitioner, thereafter, imposing its own conditions, so that he may not evade his appearance during trial, if charge has already been framed then also the same order shall continue.

(Dr. Anshuman, J.)

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