

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72125 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- BHITAHA District- West Champaran

Mantu Rai S/o Sri Sudama Rai R/o village- Gauri Sriram, Ramnagar, P.S.-
Bishunpur, District- Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43447 of 2022

Arising Out of PS. Case No.-135 Year-2020 Thana- BHITAHA District- West Champaran

Rajesh Yadav Son of Sudarshan Yadav Resident of Village -Misraulli, P.S.-
Bhitaha, District - West Champaran at Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 72125 of 2021)

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

(In CRIMINAL MISCELLANEOUS No. 43447 of 2022)

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 20-10-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the victim.

The petitioners seek regular bail in connection with
Bhitaha P.S. Case No. 135 of 2020 lodged under Sections 366-

A, 504/34 of the I.P.C. and Sections 8 and 12 of the POCSO Act.

As per the prosecution case, the informant has categorically filed this case against 4 named persons alleging that they all in connivance with each other, kidnapped the informant's daughter with purpose of marriage, and upon query, they all abused the informant.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. Learned counsel submits that the alleged victim girl has been recovered and under Section 164 Cr.P.C. statement, she has disclosed that her age is 18 years and she eloped with the petitioner of case no. 1 and went to Rajasthan, where she solemnized marriage with him.

He further submits that petitioner of the first case is in custody since 13.09.2021 having clean antecedent. He further submits that petitioner of the second case is in custody since 31.03.2022 having clean antecedent. And the informant has said nothing against the petitioner of the second case.

Learned counsel for the victim appeared in this case and submits that this case is not correct. Victim herself went with the petitioner of the first case and no one has committed

any offence.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-the Special Judge, West Champaran, Bettiah in connection with Bhitaha P.S. Case No. 135 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ashishsingh/-

U		T	
---	--	---	--