

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45906 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- PALANWA District- East Champaran

Sumit Kumar S/O Ravindra Patel Resident Of Village- Laukariya, Jaitpur
Laukaria, Raxaul, P.S.- Palahwa, District- East Champaran, Bihar, Pin-
845440

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Nath Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-12-2022 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
learned APP for the State through video conferencing.

Petitioner seeks regular bail in connection with
Palanwa P.S. Case No. 92 of 2022 registered for the offences
punishable under Sections 366, 366A and 34 of the Indian
Penal Code and under Section 8 of the POCSO Act.

As per the prosecution, this petitioner and his family
members entered into the house of informant at night and
thereafter kidnapped the informant's minor daughter aged about
16 years with an intention to marry the victim with this



petitioner and at that time the informant's husband was not present at his house and after the alleged occurrence of kidnapping the informant's husband was threatened by the accused persons when he tried to find out the victim.

The main submissions advanced by the learned counsel Mr. Rabindra Nath Tiwari appearing for the petitioner are that the alleged offence under POCSO Act mentioned in the FIR are not made out in this case as the so-called victim herself left the house of her parents on account of having love affair with this petitioner and admittedly she married the petitioner and the said fact was accepted by her before the Judicial Magistrate while recording her statement under Section 164 Cr.P.C. Further submission is that in between both the parties a good relation has established and both the sides have filed compromise petition before the Court below and the petitioner has been languishing in jail since 06.05.2022.

Learned APP Mr. Amit Kumar Rakesh appearing for the State has opposed the bail prayer and submitted that there is a direct allegation against the petitioner.

Having regard to the facts and circumstances of this case and considering the above submissions and mainly the victim's statement recorded by her before the Judicial



Magistrate discussed in the order of the Court below which completely goes against the allegation made in the FIR and the petitioner who is a young person has been languishing in jail since 06.05.2022, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, 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 concerned Court in connection with Palanwa P.S. Case No. 92 of 2022.

(Shailendra Singh, J.)

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