

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23402 of 2023

Arising Out of PS. Case No.-164 Year-2022 Thana- CHORAUT District- Sitamarhi

PAPPU KUMAR SON OF SUKEKSHWAR RAI R/O VILL. AND POST-
BASOTRA, P.S.- CHORAUT, DISTT.- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP
For the Informant	:	Mr. Pushpendra Kumar Singh, Advocate
		Ms. Divya Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel for the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366 and 34 of the Indian Penal Code read with Section 10 of the POCSO Act.
3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that on 28.08.2022 at about 09:00 PM, his minor daughter aged about 16 years was going for purchasing medicine, on the way accused persons named in the F.I.R,



including the petitioner variously armed with deadly weapons kidnapped her by a four wheeler vehicle.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the F.I.R., it would manifest that the date of occurrence is 28.08.2022 and the F.I.R. has been instituted on 01.09.2022 i.e. after a delay of three days without any plausible explanation. It is further submitted that if what has been alleged in the F.I.R. is true, then what prevented the informant from instituting the F.I.R. promptly. It is next submitted that the allegation clearly records the name of the accused persons of committing the occurrence with a precision and detail, but still the F.I.R. was not instituted promptly.

5. Learned counsel for the petitioner next draws the attention of the Court to the allegations alleged in the F.I.R. to submit that the informant alleges that he saw the occurrence being committed by the accused persons and thereafter again went in search of his daughter and when she did not come back then he gave information about the same to one Ranjit Rai. It is thus submitted that the



allegation as alleged does not inspire confidence, more so, when read with the statement of the victim recorded under Section 164 of the Cr.P.C, wherein she has alleged if not verbatim then to an extent what has been alleged in the F.I.R, further she has stated that she is known to the accused persons as they are her relatives and are having previous enmity with her father.

6. Learned counsel for the petitioner, thus, submits that the informant very wisely concealed the relationship of the accused persons with him.

7. Learned A.P.P. for the State along with the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner and the learned counsel for the informant has produced a copy of the statement of the victim recorded under Section 164 of the Cr.P.C, but is not able to rebut the submission of the learned counsel for the petitioner that as to why the F.I.R. was not instituted promptly when the informant was knowing who were the accused who had kidnapped his minor daughter.

8. 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 Choraut P.S. Case No. 164 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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