

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19917 of 2023**

Arising Out of PS. Case No.-329 Year-2022 Thana- PAHARPUR District- East Champaran

Upendra Patel @ Upendra Prasad Son of Late Radhakant Patel @ Radhakant
Prasad R/V- Sataha Dubey tola, P.s- Paharpur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate.
For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2023 Heard Mr. Ashok Kumar Gupta, learned counsel for
the petitioner and learned APP for the State.

The Petitioner is apprehending his arrest in connection with Paharpur P.S. Case No.329 of 2022, registered for the offences punishable under Sections 363, 366(A), 506/34 of the Indian Penal Code and under Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

It is alleged that the daughter of the informant found missing and when inquiry has been made, the informant came to know that co-accused Amit Kumar one of his neighbour taken away her for the purposes of marriage. Further allegation has been made that this petitioner, who happens to be father of said Amit Kumar is also involved in this crime.



Learned counsel appearing on behalf of the petitioner submits that from the academic certificates of the alleged victim girl, she appeared to be a major, aged about 20 years. Apart from the fact that the petitioner only being father of Amit Kumar, his name has been implicated in this case with a view to pressurize him, though, co-accused Amit Kumar as well as the victim girl are major. He further submits that the victim having come to know about the institution of the present case, appeared before the Court below and her statement has been recorded under Section 164 of Cr.P.C., wherein she has categorically stated that she voluntarily left her house and solemnized marriage with co-accused Amit Kumar. Medical examination of the victim was also conducted and the Medical Board has opined her age in between 18 to 20 years and thereafter she was released in favour of co-accused Amit Kumar. He next submits that the petitioner has no concern with the present crime, apart from the fact that he is having fair antecedent.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim and her age, who has already obtained majority, let the above named



petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI -cum- Special Judge, POCSO Act, Motihari, East Champaran in connection with Paharpur P.S. Case No.329 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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