

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14293 of 2023

Arising Out of PS. Case No.-519 Year-2022 Thana- CHAKIA District- East Champaran

Shyam Babu Kumar Son Of Yogendr Ram @ Yogendra Ram R/O Village-
Bara Govind, P.S.- Chakia, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and Md.
Fahimuddin, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Chakia P.S. Case No. 519 of 2022 registered for the offences punishable under Sections 363, 365, 34 of the Indian Penal Code and section 8 of the POCSO Act. He has no criminal antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, the informant has alleged that her minor girl was kidnapped by the petitioner and other co-accused for purpose of marriage and when she asked about her minor daughter, she was being threatened by the accused persons.

Learned counsel for the petitioner submits that although the present case has been registered for the offences under the Indian Penal Code as well as section 8 of the POCSO Act but in the nature of the present case the POCSO Act would not be applicable.

Learned counsel submits that the age of the victim girl has



been assessed by the medical board between 18-20 years.

Learned counsel further submits that in her 164 Cr.P.C. statement the victim girl has stated that she was in love with this petitioner and she had called this petitioner saying that she was carrying a pregnancy and if he would not come then she would commit suicide. Thereafter she came to this petitioner at Patna and with him she went to Delhi and Mumbai where both of them solemnized marriage in a temple on 04.12.2022 and thereafter they were living together.

Learned counsel for the petitioner submits that there being a clear admission of the victim girl that she was in love with this petitioner thereafter she had solemnized marriage with this petitioner, the petitioner deserves privilege of pre-arrest bail.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner but on going through the impugned order of the learned Additional Sessions Judge – 7, this Court finds that the statement of the victim girl has been mentioned in the impugned order. She has admitted the love affair and that she had gone on her own with the petitioner to solemnise marriage.

Considering the statement of the victim girl, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned



Additional District and Sessions Judge – VII – cum – Special Judge,
POCSO Act, East Champaran at Motihari in connection with Chakia
P.S. Case No. 519 of 2022, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the
criminal antecedent of the petitioner and in case at any stage it is
found that the petitioner has concealed his criminal antecedent, the
court below shall take step for cancellation of bail bond of the
petitioner. However, the acceptance of bail bonds in terms of the
above-mentioned order shall not be delayed for purpose of or in the
name of verification.

(Rajeev Ranjan Prasad, J)

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