

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16559 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- CHAKIA District- East Champaran

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Rajan Kumar Son Of Late Yogindra Sah, R/O Village- Dhaubauliya, P.S.- Chakia, District- East Champaran, Motihari	 Petitioner/s
Versus	
The State Of Bihar	 Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Sharda Nand Mishra, Adv.
For the Opposite Party/s :	Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-05-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chakia P.S. Case No. 243 of 2022 dated 13.06.2022 lodged
under Sections 363, 365 of the I.P.C. and Section 8 of the
POCSO Act.

As per prosecution case, the allegation against the
petitioner that he kidnapped the victim girl with a view to marry.

Learned counsel for the petitioner submits that the
alleged victim girl has been recovered and she has narrated her
statement under Section 164 of Cr.P.C. before the Magistrate,
which has been acknowledged in the order rejecting his bail by
the Sessions Court, Additional Sessions Judge-cum-Special
Judge, POCSO Act that she left her village and went to her
uncle and thereafter solemnized marriage with the petitioner and

started living in Areraj on rent. It has also come that age was ascertained by the Medical Board of the victim is 18 to 19 years whereas Judicial Officer has ascertained the age of the victim is 19 years. Learned counsel for the petitioner further submits that the petitioner is not accused rather the victim of this case and there is no grievance to the alleged victim living with the petitioner.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner 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 Addl. Sessions Judge-7th-cum-Special Judge, POCSO, East Champaran at Motihari in connection with Chakia P.S. Case No. 243 of 2022, 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.)

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