

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17733 of 2023

Arising Out of PS. Case No.-11 Year-2021 Thana- MADHUBAN District- East Champaran

VIKRAM RAM SON OF SHIVNANDAN RAM @ TUN TUN RAM
RESIDENT OF VILLAGE - KAJRAHAN, P.S. - MADHUBAN, DISTT. -
EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Madhuban PS case no. 11 of 2021, registered
for the offences punishable under Sections 363, 366(A)/34 of
the Indian Penal Code.

The allegation is regarding the petitioner having
kidnapped the victim girl on the alleged date and time of
occurrence.

The learned counsel for the petitioner submits that
petitioner is innocent, he has been falsely implicated in the
present case and he is having a clean antecedent. The learned
counsel for the petitioner, by referring to the impugned order



dated 25.05.2022, has further submitted that the petitioner has already solemnized marriage with the victim girl and she was recovered after one and a half years of her being kidnapped and in her statement recorded under Section 164 Cr.P.C., by the learned Magistrate, she has stated that she had voluntarily married the petitioner. It is further submitted by referring to paragraph no. 12 of the present petition that out of the said wedlock, two children have also been born in the meantime and the petitioner and the victim girl are leading a happy conjugal life. Lastly, it is submitted by referring to the Adhar Card, annexed as Annexure 2 to the present petition that the victim girl was major on the alleged date and time of occurrence, hence, no offence is made out *qua* the petitioner herein.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the victim girl, in her statement made under Section 164 Cr.P.C., before the learned Magistrate, has stated that she has voluntarily married the petitioner, apart from the fact that it is the specific case of the



petitioner that two children have been born out of the said wedlock and as per the date of birth mentioned in the Adhar Card of the victim girl, she was major on the date of occurrence, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of A.D.J. 7-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Madhuban PS case no. 11 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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