

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19218 of 2023

Arising Out of PS. Case No.-205 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Sajjan Kumar, Son Of Shrikant Paswan, R/v- Senduari Gajsingh P.S. Motipur,
Dist -Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sangita Devi, Wife of Lalbabu Ram, Resident Of Village- Chhota Senduri Gajsingh, P.S. - Motipur, Distt- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2023 Heard Mr. Sheo Kumar Prasad, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

The petitioner apprehends his arrest in connection
with Motipur P.S. Case No. 205 of 2021 registered for the
offence punishable under Sections 363, 376, 120(B)/34 of the
Indian Penal Code and Section 4/6 of the POCSO Act.

It is alleged that the daughter of the informant went to
the coaching for study, in the meantime, co-villagers ‘Shivpujan
Kumar’, ‘Ram Pravesh Mahto’ with the help of other, kidnapped
her daughter.

Submissions has been made on behalf of the petitioner



that the petitioner is not named in the FIR, however, during the course of investigation, when the statement of the victim was recorded under Section 164 Cr.P.C, she has categorically stated about the involvement of the petitioner along with other accused persons in her kidnapping. He further submits that the co-accused persons, whose name surfaced in the statement of the victim recorded under Section 164 Cr.P.C., they have been allowed the privilege of anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 66664 of 2022 vide order dated 20.03.2023, the copy of which has been produced before this Court. The case of the petitioner is identical to those, who have been allowed the privilege of bail. He lastly submitted that the petitioner is a man of clean antecedent and he undertakes that he will fully co-operate in the investigation and will not indulge in tampering of the evidence.

On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that the statement of the victim clearly suggests the involvement of the petitioner in her kidnapping.

Regard being had to the submissions made on behalf of the parties and considering the fact that persons having identical allegation have been allowed the privilege of bail, let



the above named petitioner, be released on bail, in the event of his arrest of surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – VII – cum – Special Court POCSO Act (West), Muzaffarpur in connection with Motipur P.S. Case No. 205 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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