

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19825 of 2022

Arising Out of PS. Case No.-1114 Year-2021 Thana- KHAJANCHI HAT District- Purnia

ROHIT KUMAR Son of Tej Narayan Yadav Resident of village - Khabdah
Ward No.- 03, P.S.- Narpatganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana,Adv.

For the Opposite Party/s : Mr.Narsingh Tanti,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State, Sri
Narsingh Tanti.

The petitioner seeks regular bail in connection with K.Hat (Sahayak) P.S. Case No. 1114 of 2021, registered for the offence punishable under Sections 341, 323, 504, 506, 363, 365, 366(A)/34 of the Indian Penal Code and Sections 4 and 8 of the POSCO Act.

The petitioner is alleged to have kidnapped the victim girl.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has



been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 18.01.2022. The learned counsel for the petitioner has submitted, by referring to the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, that the victim girl has stated that she had voluntarily fled away with the petitioner since she was having a love affair with him and had also solemnized marriage with him, whereafter they were staying together at Haryana in a room, however, they had not consummated marriage and no relation as husband and wife was ever established. It is thus, submitted that the petitioner has not been alleged to have committed any untoward incident, which is also apparent from the fact that the victim girl had refused to undergo any medical examination, hence, some sympathy be shown towards the petitioner, who is languishing in custody since about one year.

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 petitioner and taking into account the materials available on record as also considering the materials available in the case diary, though this Court finds that the victim girl was a minor at the time she was abducted, however, the victim girl, in her statement made under Section 164 Cr.P.C. before the learned Magistrate, has not alleged any untoward incident having been committed by the petitioner and on the contrary, she had, on her own volition, gone with the petitioner to Haryana, whereafter while she was returning, she was apprehended by the police near Purnea as also she has stated that she has solemnized marriage with the petitioner, hence, considering the period of incarceration of the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is



directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned VI Additional Sessions Judge cum Special Judge (POCSO), Purnea in connection with K. Hat (Sahayak) P.S. Case No. 1114 of 2021.

(Mohit Kumar Shah, J)

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