

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23138 of 2022

Arising Out of PS. Case No.-166 Year-2021 Thana- SAHIYARA District- Sitamarhi

Sangeeta Devi @ Sangita Devi, wife of Rasanarayan Mahto Resident of Village - Matiyarkala, Ward No.- 3, P.S.- Sahiyara, District - Sitamarhi (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Anurag Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 04-05-2023 Heard Mr. Shankar Kumar, learned counsel appearing on behalf of the petitioner and Mr. Ram Anurag Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Sahiyara P.S. Case No. 166 of 2021 registered for the offence punishable under Sections 363 and 366 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The allegation against the petitioner and other accused persons is of kidnapping the minor daughter of the informant.

4. It is informed by Mr. Shankar Kumar, learned counsel appearing on behalf of the petitioner that a supplementary affidavit has been filed on behalf of the petitioner stating therein that the opposite party no.2 has



performed marriage with the son of the petitioner namely Sonu Kumar. Now the victim has become major though case was lodged under POCSO Act. Victim is aged about 18 years, however no statement has been made in the supplementary affidavit to that effect.

5. Learned counsel for the opposite party no.2 submits that the factum of marriage can be verified by the court below. Considering the rival submissions, if the court below finds that the opposite party no.2 is living happily with the son of the petitioner and no incorrect statement has been made in the supplementary affidavit before this Court, the petitioner, above named, is directed to be released on pre-arrest bail, on any terms and conditions as the court below deems it fit and proper and also subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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