

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23213 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- SITAMARHI District- Sitamarhi

1. FEKAN DAS Son of Late Bujhavan Das Resident of Village - Bhuphairo, P.s. and Distt.- Sitamarhi.
2. Virodhan Das @ Nithesh Das Son of Fekan Das Resident of Village - Bhuphairo, P.s. and Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Murari, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2023 Heard the learned counsel for the petitioners and the learned APP for the State, Ms. Anita Kumari.

The petitioners seek regular bail in connection with Sitamarhi P.S. Case No. 139 of 2022, registered for the offence punishable under Sections 363, 366(A), 379/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The allegation is regarding the victim girl having been kidnapped by the accused persons including the petitioners herein while she was returning back to her home from her coaching class.



The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having a clean antecedent and they are languishing in custody since 15.3.2022. It is submitted, by referring to the statement made by the victim girl under Section 164 Cr.P.C. that the victim has clearly stated that she had voluntarily fled away with one Srawan Kumar and solemnized marriage with him as also she wants to live with her husband, namely, Srawan Kumar. It has also been stated by the victim girl that she had, on her own volition, solemnized the marriage and her husband and his relatives have been falsely implicated by the police. It is further submitted that the victim girl is a major as is apparent from the records.

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



petitioners and taking into account the materials available on record as also considering the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, as aforesaid, apart from the fact that the petitioner no. 1 is the father of the said co-accused person, namely, Srawan Kumar and the petitioner no. 2 is the brother of the said Srawan Kumar and there is no material available in the case diary qua them so as to indicate their complicity in the alleged crime, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ-VI cum Special Judge (POCSO), Sitmarhi in connection with Sitamarhi P.S. Case No. 139 of 2022.

(Mohit Kumar Shah, J)

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