

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25106 of 2023

Arising Out of PS. Case No.-182 Year-2022 Thana- GAYA MUFASIL District- Gaya

Dilip Kumar @ Sahil Kumar Son Of Sitaram Saw Resident Of Village -
Saraiya, P.S. - Mufassil, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shailendra Singh Son Of Bindeshwar Singh Resident Of Village - Shankar
Bigha, P.S. - Wazirganj, Distt. - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumeet Singh

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 31-07-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 363, 366(A), 34 of the Indian Penal Code.

3. As per the prosecution case, this petitioner alongwith other F.I.R. named accused persons kidnapped the cousin of the informant, while she was returning from her coaching class.

4. It is submitted on behalf of petitioner that petitioner has been made accused in this case only on suspicion. The statements of the victim recorded under Section 161 Cr.P.C. and 164 Cr.P.C. are materially different. The medical report suggests



that victim was major and there was no sign of any sexual intercourse. The doctor has found the age of the victim as 19 years. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the contradiction in statement of the victim recorded under Section 161 Cr.P.C. and 164 Cr.P.C., medical report and clean antecedent of the petitioner, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI, POCSO Act, Gaya in connection with Muffasil P.S. Case No. 182 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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