

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24161 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- KESARIA District- East Champaran

JIWAN PANDIT @ JIWAN KUMAR @ JIAN PANDIT S/o Anant Pandit
Resident of Village- Sundarpur Ward No.7, P.S.- Kesaria, District- East
Champaran (Motihari).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udit Narayan Singh, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Kesaria P.S. Case No. 218 of 2021 and C.I.S. No. 161 of 2021 for the offence registered under Sections 363 and 366(A)/34 of the Indian Penal Code and Section 8 of the P.O.C.S.O. Act.

The allegation is regarding the petitioner and his family members having kidnapped the victim girl with the intention of marrying her with the petitioner.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 31.01.2022. The learned counsel for the petitioner has further submitted, by referring to the statement made by the victim girl under Section 164 Cr.P.C., that the victim girl has stated therein that she had voluntarily fled away with the petitioner and solemnized marriage with him and the accused persons have not misbehaved with her. The learned counsel for the petitioner has also submitted that the age of the victim girl has been found by the Medical Board to be in between 18-19 years, hence, since the victim girl is a major, the accusation in question, can at best, be said to be consensual in nature.

Per contra, the learned A.P.P. 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 fact that the victim girl in her statement made under Section 164 Cr.P.C. has not alleged any untoward incident to have been committed by the accused persons, apart from the fact that she has admitted to have eloped with the petitioner on her own free will and is stated to have also solemnized marriage with the petitioner, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released 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 District Judge-7 cum Special Judge, POSCO Act, East Champaran, Motihari in connection with Kesaria P.S. Case No. 218 of 2021 and C.I.S. No. 161 of 2021.

(Mohit Kumar Shah, J)

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