

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25674 of 2023

Arising Out of PS. Case No.-761 Year-2022 Thana- KAHALGAON District- Bhagalpur

1. Puran Thakur @ Pramod Thakur Son Of Late Adhik Lal Thakur R/O Village- Jabayat, P.S.- Shampur Haveli Kharagpur, District- Munger
2. Kiran Devi Wife Of Puran Thakur @ Pramod Thakur R/O Village- Jabayat, P.S.- Shampur Haveli Kharagpur, District- Munger
3. Sumit Thakur Son Of Shyam Puran Thakur @ Pramod Thakur R/O Village- Jabayat, P.S.- Shampur Haveli Kharagpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-07-2023 Heard Mr. Ajit Kumar Singh, learned counsel appearing on behalf of the petitioners and Mr. Awadesh Kumar Singh, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Kahalgaon P.S. Case No. 761 of 2022 registered under Sections 363, 366(A), 323, 504, 506 and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per allegation made in the F.I.R. the accused persons named in the F.I.R., including the petitioners, kidnapped the daughter of the informant for the purpose of marriage.

4. Learned counsel appearing on behalf of the petitioners informs that he has brought on record by way of



Annexure-3, the affidavit duly sworn before the Notary Public by the co-accused Subhash Kumar and the victim Nisha Kumari in which the affidavit as stated and informed by the Notary Public that her age is nearly 21 years. The co-accused and victim are living together after solemnization of the marriage. The petitioners have no role in kidnapping of the daughter of the informant.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the nature of allegation made in the F.I.R. and the fact that the petitioner has brought on record that co-accused Subhash Kumar and victim Nisha Kumari has already solemnized marriage and they are living together.

7. The Court below is directed to obtain the original or certified copy of the oath taken by co-accused Subhash Kumar and Nisha Kumari who ascertained the statement made in the present bail application that they are living together and the victim is major who had eloped with the youngest son of the informant. If such affidavit is filed, the petitioners above named are directed to released on pre-arrest bail, in the event of their arrest or surrender before the learned Court below within a



period of four weeks from today, 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 and Sessions Judge-VII-cum-Exclusive Special Judge, POCSO, Bhagalpur in connection with Kahalgaon P.S. Case No. 761 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Manish/-
Minu/-

U		T	
---	--	---	--

