

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.28229 of 2023

Arising Out of PS. Case No.-59 Year-2021 Thana- TEYAR District- Bhojpur

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1. Amit Thakur, age about 22 years (Male) Son of Rajendra Thakur Resident of village - Bikrampur, P.S.- Tiyar, District - Bhojpur
 2. Nitu Devi age about 26 years (Female) Wife of Bhimsen Thakur Resident of village - Bikrampur Kamariaon, P.S.- Tiyar, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 14-07-2023 Heard Mr. Kamlesh Prasad Yadav, learned counsel appearing on behalf of the petitioners and Mr. Sanjay Kumar Pandey, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Tiyar P.S. Case No. 59 of 2021 dated 02.09.2021 registered for the offence punishable under Sections 363, 366(a), 34 of the Indian Penal Code and Sections 08/12 of the POCSO Act vide POCSO Case No. 25 of 2022.

3. The allegation against the petitioners and other accused persons is of kidnapping of daughter of the informant for the purpose of marriage.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners have committed no specific over act in respect of abduction of the victim girl. The victim girl had eloped with one Dhiraj Kumar. Petitioners are



innocent and have clean antecedent. On these grounds, petitioners seek to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submission of the parties as well as the nature of allegation made against the petitioner in the FIR. Victim girl had eloped with one Dhiraj Kumar for the purpose of marriage. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VI cum Special Judge POCSO, Bhojpur, Ara in connection with Tiya P.S. Case No. 59 of 2021 dated 02.09.2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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