

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33344 of 2023

Arising Out of PS. Case No.-307 Year-2022 Thana- LAURIA District- West Champaran

Raja Hussain Son Of Late Jalil Miyan Village- Pokhariya Maldahiya, Ward
No 8, P.S.- Shikarpur, District -WEST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Lauriya P.S. Case No.307 of 2022 registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code and Section 8 of the POCSO Act. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioner is that he had helped the accused persons in kidnapping of the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner is said to be the brother-in-law of the father of the boy with whom the victim girl has allegedly gone and her father is alleging that she has been kidnapped to marry. Learned counsel



submits that there is no specific allegation that this petitioner had any role to play in the alleged occurrence in which both the boy and girl eloped. It is submitted that the FIR has been lodged with delay of 2 months and 10 days.

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

6. Having regard to the facts and circumstances of the case wherein this petitioner is said to be the brother-in-law of the father of the boy with whom the victim girl has allegedly gone and her father is alleging that she has been kidnapped to marry, there being no specific allegation that this petitioner had any role to play in the alleged occurrence in which both the boy and girl eloped and the fact that the FIR has been lodged with delay of 2 months and 10 days of the alleged occurrence, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum-A.D.J.-VIIth, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 307 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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