

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35934 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- BELA District- Sitamarhi

=====

Shashi Kumar @ Shashi Bhushan Kumar Son Of Ram Yash Yadav @ Ram
Jas Yadav Resident Of Village- Demahi, Ps- Bela, Distt- Sitamarhi
... .. Petitioner

Versus

The State of Bihar
... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party : Mr. Bharat Bhushan, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner apprehends arrest in connection with Bela P.S. Case No. 44 of 2023 dated 16.02.2023, instituted for the offence punishable under Sections 363, 365 and 376(D) of the Indian Penal Code and Section 4 of the POCSO Act.

3. The prosecution case, in short, is that on 15.02.2023 petitioner along with co-accused has kidnapped informant's minor daughter and co-accused, namely, Sachin Kumar asked her to marry him but she refused to marry and thereafter, he raped her.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the victim's statement recorded under Section 164 of the Code of Criminal Procedure does not support the case of prosecution. It is further submitted that after recording her statement under Section 161 of the Code of Criminal Procedure, the Police also made a requisition for recording her statement under Section 164 of the Code of Criminal Procedure, which is as follows: *"she her own sweet will went to house of her Nani through a tempo without informing the family members and came back with his brother on the next date and her father instituted the false case no one enticed her away and she made inclination to come with her Papa, the said statement has been recorded on 17.02.2023"*. Lastly, it has been submitted that he has no criminal antecedent".

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Bela P.S. Case No. 44 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VI-Cum, Special Judge, POCSO Act, Sitamarhi, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

shanu/-

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

