

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33579 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- CHANPATIA District- West Champaran

PAYAL @ BABITA DEVI W/o Jitendra Bhokta R/o Gosuwa, P.S.- Karon,
District- Deoghar (Jharkhand), at present R/o Baidhnathpur Bandha, P.S.-
Kunda, District- Deoghar (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash, Advocate

For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Chanpatiya PS case no. 177 of 2022 instituted for the
offences punishable under Sections 365, 366/34 of the Indian
Penal Code and 8, 12 of POCSO Act.

The allegation is regarding unknown accused
persons having kidnapped the victim girl for the purposes of
solemnizing her marriage with an unknown person, however,
during the course of investigation, it has transpired that the
petitioner was instrumental in kidnapping the victim girl.

The learned counsel for the petitioner submits
that the petitioner is innocent, has been falsely implicated in the



present case, he is having a clean antecedent and is languishing in custody since 22.04.2022. The learned counsel for the petitioner, by referring to the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, has further submitted that the victim girl had voluntarily gone to the house of her friend namely Payal @ Babita Devi along with the petitioner, however, she has not alleged any untoward incident to have been committed by anyone and has merely submitted that after staying at the house of Payal for sometime, she had returned back to her house, when she came to know that her parents had filed a criminal case.

Per contra, the learned APP 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 parties 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., before the learned Magistrate, has not alleged any untoward incident to have taken place, whereas, on the contrary, she has stated that she had voluntarily gone with her friend to her house after her mother had reprimanded her, I deem it fit and appropriate to enlarge the



petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Chanpatiya PS case no. 177 of 2022.

(Mohit Kumar Shah, J)

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