

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35498 of 2023

Arising Out of PS. Case No.-444 Year-2022 Thana- MADHUBAN District- East Champaran

Sarvesh Kushwaha, S/o- Gauri Shankar Kushwaha @ Gauri Shankar Singh,
resident of Village-Dulma Gosaipur P.S.- Madhuban Dist- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mrs. Rashmi Jha, Advocate
		Mr. Abhishek Kumar, Advocate
For the Opposite Party/s :		Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with Madhuban P.S. Case No.444 of 2022 registered for the offences punishable under Sections 363, 366-A of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

The accused/petitioner is named in the FIR and is in custody since 17.02.2023.

Allegation against the petitioner is to kidnap minor daughter of informant aged about 16 years for the purpose of illicit intercourse/marriage.

It is submitted by learned counsel that the victim after recovery recorded her statement under Section 164 of the



CrPC where she completely negated the allegation of kidnapping and sexual assault rather stated that she out of her own sweet will solemnized marriage with petitioner. It is also submitted by learned counsel that on medical examination, informant/victim found between the age group of 18-19 years. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances, as victim negate allegation of kidnapping and sexual assault against petitioner rather she solemnized her marriage with petitioner out of her own sweet will, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.02.2023. accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with



Madhuban P.S. Case No.444 of 2022, subject to the conditions
as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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