

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37734 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- PAKRIDAYAL District- East Champaran

Raja Shah @ Raja Kumar @ Bhaibhav Kumar Shah S/O Shiv Bachhan Shah
R/O Village- Kothiya P.O. Gheghwar Ps. Madhuban Distt. East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1

For the Opposite Party/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Pakaridayal P.S. Case No. 211 of 2022 registered for the offences punishable under Sections 363, 365, 366A and 504/34 of the Indian Penal Code and Section 4/8 of the POCSO Act and Section 3(i)(r)(s) of the SC/ST Act pending in the Court of learned Addl. Dist. And Sessions Judge-VII cum Special Judge, POCSO Act, East Champaran, Motihari.

3. As per the prosecution case, the petitioner along with other accused persons is said to have kidnapped the minor daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that



the Doctor opined age of the victim between 18 to 19 years, therefore, she is not supposed to be minor. The petitioner has got no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes prayer for anticipatory bail and submits that the statement of the victim has been recorded u/s 164 of the Cr.P.C., in which she has supported the prosecution case. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case, nature of the offence and the statement of the victim u/s 164 of the Cr.P.C., I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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