

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38633 of 2023

Arising Out of PS. Case No.-104 Year-2021 Thana- BAHADURGANJ District- Kishanganj

SOM TUDU @ SHYAM TUDU son of Hopna Tudu @ Hoppan tudu Village-
Gerari Aadiwasi Tola Ps- Joki Hat (Palasi) Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Notices have been issued to O.P. No. 2 and has been personally received by O.P. No. 2, but nobody appeared on behalf of O.P. No. 2.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code and Section 4 of the POCSO Act.

4. The allegation against the petitioner is that he has kidnapped informant's minor daughter with a malafide intention of marriage.

5. 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 in para-13 of the bail application that there was love and affairs between the petitioner



and the victim girl and the victim girl went with the petitioner with her own sweet will and on the same day they solemnized marriage with each other for which they sworn affidavit dated 15.04.2021. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C., in which she did not allege against the petitioner that he did anything wrong with her. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State opposes prayer for anticipatory bail.

7. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bahadurganj P.S. Case No. 104 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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