

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40272 of 2023

Arising Out of PS. Case No.-99 Year-2020 Thana- BALTHAR District- West Champaran

Awadhesh Mishra @ Adesh Mishra Son Of Subhash Mishra Resident Of
Village- Fuliya Khand, Ps- Bairiya, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-07-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Balthar P.S. Case No. 99 of 2020 dated 10.11.2020 registered for the offences u/s 366A read with section 34 of the Indian Penal Code and section 8 of the POCSO Act.

4. As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.



5. Learned counsel for the petitioner has submitted that the petitioners is innocent and has falsely been implicated in this case. The victim in her statement recorded under section 164 of the Cr.P.C. has stated that she solemnized her marriage with the petitioner of her own will. The victim in her deposition before the Magistrate has stated her age as 22 years. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 14.12.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah, West Champaran in connection with Balthar P.S. Case No. 99 of 2020.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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