

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41012 of 2023

Arising Out of PS. Case No.-226 Year-2022 Thana- MEHSI District- East Champaran

Raj Kumar, Son of Juction Paswan Resident of village-Motnaje Barharwa,
Police Station-Mehsi, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Mehsi P.S. Case No. 226/2022 registered on 17.07.2022 for the offences punishable under Sections 363/366A of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. As per the prosecution, the FIR has been lodged against four named accused persons including the petitioner. The allegation against the petitioner is that he has kidnapped the minor daughter of the informant to marry.

4. It is submitted by learned counsel for the petitioner that the offences under the POCSO Act are not made out, in this case, the reason that the medical board has examined the victim



and has found her age between 17-18 years which has been recorded in the impugned order itself. The impugned order further reflects that the victim has also produced a certificate to that effect before the learned Court below issued by the Principal of the Government Primary School, Chak Abdulgani Mehshi, East Champaran. Learned counsel for the petitioner further submits that the victim got her statement recorded under Section 164 of the Cr.P.C wherein she has admitted that she went with the petitioner with her own sweet will. He further submits that the victim has already been recovered and according to the FIR, for the occurrence of 10.07.2022, the FIR has been lodged on 17.07.2022. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

5. Learned APP for the State opposes the prayer for bail and submits that the allegation of abducting the minor daughter of the informant is against the petitioner and other co-accused persons.

6. In the facts and circumstances of the case, let the above-named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of ₹30000/-



(thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Mehsi P.S. Case No. 226/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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