

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42484 of 2023

Arising Out of PS. Case No.-801 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Ram Hari Kumar Son Of Shambhu Prasad Resident Of Village-Sirsa, Police
Station-Motihari Muffasil, District-East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 363, 365, 366(A) of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, it is alleged that the petitioner along with other accused person are said to have kidnapped the 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 there is no specific overt act against the petitioner. He further



submits that the statement of the victim was recorded u/s 164 of the Cr.P.C., in which she has not taken the name of the petitioner, she disclosed the name of co-accused Akhilesh Kumar and stated that he sold her to an 'Orchestra' and also committed sexual assault upon her. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

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

6. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, 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 Motihari Muffasil P.S. Case No. 801 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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