

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44316 of 2023

Arising Out of PS. Case No.-175 Year-2023 Thana- RAXAUL District- East Champaran

DIPNARAYAN KUMAR KUSHAWAHA SON OF SARVDEO MAHTO
RESIDENT OF MOHALLA-KAURIHAR BHAGWANPUR, PS- RAXAUL,
DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

ORAL ORDER

4 22-11-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Raxaul P.S Case No. 175 of 2023, dated 06.04.2023, registered for the offence punishable u/s 366A, 34 of the Indian Penal Code and Section 08 of the POCSO Act.

4. As per the prosecution case, the informant namely Shyambabu Sah alleges that on 26.03.2023 at about



5:00 A.M. his minor daughter aged about 15 years had gone to attend natural call, but did not return. Accordingly, a search was conducted and the informant came to know that Prabhu Yadav and his wife kidnapped the daughter of the informant and sent her along with petitioner to Chennai to Mantosh Kumar Yadav.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The victim under Section 164 Cr.P.C. has deposed that she was taken to Chennai by Dependra but she did not make alarm while travelling to Chennai. It is further submitted that she was not forced to have illicit intercourse with another person.

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

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty



thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Court POCSO Act, East Champaran, Motinari in connection with Raxaul P.S. Case No. 175 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

pravinkumar/-

U		T	
---	--	---	--

