

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44851 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- PATAHI District- East Champaran

Vivek Kumar, Son of Samundar Mahto @ Sumandar Mahto @ Doctor Shyam
Jee, Resident of village - Patti Bokane, P.S. - Patahi, District - East
Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Patahi P.S. Case No. 33 of 2023 registered for the offences
punishable under Sections 363, 366A/34 of the Indian Penal
Code and Section 8 of POCSO Act.

3. As per the prosecution case, the daughter of the
informant aged about 17 years went to perform puja at Shiv
Mandir but did not return. It is alleged that the petitioner along
with other co-accused persons may have abducted his daughter
with bad intention.

4. Learned counsel for the petitioner submits that the
petitioner is innocent, committed no offence and has falsely been
implicated in this case. He further submits that the victim girl is
major who due to love affair with the petitioner herself left her



house out of own sweet will. The victim girl and the petitioner are next door neighbour and the medical report shows that the petitioner is aged about 18-19 years at the time of the occurrence. Further, it is submitted that the victim girl in her statement recorded under Section 164 Cr.P.C., has not made any allegation of overt act against the petitioner. Petitioner has no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of his arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge - cum- Special Judge (POCSO), Motihari, East Champaran in connection with Patahi P.S. Case No. 33 of 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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