

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47416 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- MADHUBAN District- East Champaran

Bala Lakhenda Kumar @ Bala Lakhendra Kumar @ Bala Lakhindar Kumar
@ Bala Lakhindra, Male, aged about 20 years, son of Rajgir Mahato, resident
of Village- Bajitpur, PS- Madhuban Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Madhuban PS Case No.131 of 2023 dated 23.03.2023, instituted
under Sections 341, 323, 366-A, 504/34 of the Indian Penal
Code and Section 8 of the Prevention of Children from Sexual
Offences Act.

3. The allegation against the petitioner is that the
informant's minor daughter was kidnapped by the petitioner
while she was returning to her house after purchasing some
articles. Further allegation is that when the informant went to
the house of the petitioner and requested his parents for his
daughter's whereabouts, she was abused.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is further submitted that there was love affairs between the petitioner and the victim. From perusal of the impugned order, it appears that the Court below has mentioned in the impugned order that the victim has not supported the allegation of prosecution in her statement recorded under Section 164 Cr.P.C. Allegation of kidnapping is false as the victim has not supported the allegation. It is further submitted that as per the certificate issued by the Head Master of the School, age of the victim is 17 years, eight months and five days on the date of occurrence, whereas, the Medical Board has assessed the age of the victim as 19 years. It is further submitted that the petitioner is a young boy of 20 years having no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of 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) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge cum Special Judge, POCSO Act,



East Champaran at Motihari, in Madhuban PS Case No. 131 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Khatim Reza, J)

J. Alam/-

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