

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48313 of 2023**

Arising Out of PS. Case No.-88 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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Rakesh Kumar Gupta @ Rakesh Kumar, Son Of Amal Gupta R/O-Samauata,
P.S.-SATHI, Distt.-WEST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

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

ORAL ORDER

2 08-08-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Bettiah (Town) P.S.
Case No. 88 of 2023 dated 05.02.2023 registered for the
offences punishable u/s 366A of the Indian Penal Code and u/ss
8 and 12 of the POCSO Act.

4. As per the prosecution case, the petitioner is
alleged to have kidnapped the minor daughter of the informant
from her Bua's house by enticing her for the purpose of



marriage.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the victim in her statement recorded under Section 161 of Cr.P.C. has stated that she was in courtship with the accused petitioner for one and a half year and wanted to solemnize marriage with him but when her parents came to know about the same, they wanted to solemnize the marriage of the victim girl somewhere else due to which she fled away with the petitioner without informing anyone in her house. Learned counsel has further submitted that the victim was not forced to have illicit relationship with another person. It is further submitted that as per medical examination, the doctor has not found any internal or external injury on the part of the victim. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 10.02.2023.

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

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah, West Champaran in connection with Bettiah (Town) P.S. Case No. 88 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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