

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49009 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- CHANPATIA District- West Champaran

DIWARKAR KUMAR @ DIWAKAR KUMAR YADAV S/o Raghuveer
Yadav Resident of Village- Lakhaura Tola, P.S.- Kumarbagh O.P., District-
West Champaran. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard Mr. Ansul, learned counsel for the petitioner
and learned APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Chanpatiya P.S. Case No. 177 of 2022 instituted under
sections 365, 366/34 of the Indian Penal Code and later Section
8 & 12 of the POCSO Act was added.

In the present case, the informant alleged
kidnapping of her minor daughter as she had gone to attend the
call of nature. Subsequently, during the investigation, it has
come (as observed by the learned Sessions Judge) that the
accused-petitioner lured her for solemnizing marriage and
handed her over to the co-accused Babita Devi @ Payal and
returned to Bettiah.

Learned counsel for the petitioner submits that the



victim girl, upon her return, under section 161 of the Cr.P.C. had narrated that she solemnized marriage with the petitioner and in that background, he is entitled for relief.

Learned APP on the other hand has taken this Court to the observation of learned Sessions Judge to show that although the petitioner has promised marriage, subsequently the allegation is that he handed her over to Babita Devi @ Payal and returned to Bettiah.

Taking into the kind of allegation that has come up/observation made by the learned Sessions Judge and not countered in the petition, this Court is not inclined to grant him relief and the petition as such rejected.

The petitioner in case his surrender before the court concerned within four week from today, the Court shall take up the matter and dispose of the bail application at an earliest without being prejudiced by any of the observation made in this petition.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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