

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49742 of 2023

Arising Out of PS. Case No.-1197 Year-2022 Thana- KAHALGAON District- Bhagalpur

Krishna Tanti @ Krishnanand Tanti Son Of Jaldhar @Jaladi Tanti Resident Of
Village- Fatehpur, Ps- Sanokhar, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 366(A)/34 but charge sheet was submitted under Sections 366(A), 376(1)/34 of the IPC and Section 4 of the POCSO Act.

As per allegation in the FIR, the petitioner along with co-accused Dhiraj Chaudhary has abducted the minor daughter and bhanji of the informant, aged about 13 years and 16 years respectively for the purpose of marriage.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. As mentioned in the impugned order, during course of investigation both victims



were recovered and their statement were recorded U/s 164 of Cr.P.C. wherein they have stated that they were in love with both accused persons and had gone with them out of their own sweet will. Victim Simran Bharti performed marriage with the petitioner and Mamta Kumari performed marriage with co-accused Dhiraj Choudhary. It is further submitted in para 8 of the petition that medical examination of both the victims were done and no sign of rape as per medical report and age of Simran Bharti is below 17 years and age of Mamta Kumari is above 18 years. As per statement in para-3 of the petition, the petitioner has got not criminal antecedent. Similarly situated co-accused namely Dheeraj Choudhary has already been enlarged on bail by another coordinate Bench of this Court vide order dated 10.08.2023 passed in Cr. Misc. No. 29475 of 2023. It is further submitted that the petitioner is languishing in judicial custody since 09.11.2022.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the



petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kahalgaon P.S. Case No. 1197 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge(POCSO)-cum-7th Additional Sessions Judge, Bhagalpur.

(Sunil Kumar Panwar, J)

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