

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50926 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- LADANIA District- Madhubani

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SURESH YADAV @ SURESH KUMAR YADAV SON OF DILIP YADAV
RESIDENT OF VILLAGE- GAJHARA NAVTOLI, P.S.- LADANIYA,
DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha,Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-01-2023 Heard Mr. Shailendra Kumar Jha, learned counsel for

the petitioner and Mr. Jitendra Kumar Singh, learned APP for

the State.

The petitioner apprehends his arrest in connection
with Ladaniya P.S. Case No. 84 of 2022 for the offence
registered under Sections 363, 366(A) and 34 of the Indian
Penal Code and Sections 8 and 12 of the POCSO Act, 2012.

As per the prosecution story, the informant alleged
that she was sleeping in the night. Later, she awoke and found
that the door is open and her minor daughter is not present. As
she failed to return in the morning, search was made when it
came to notice that the petitioner had taken her away for the
purpose of marriage. Accordingly, the FIR was lodged.



Learned counsel for the petitioner has taken this Court to the observation of the learned Session Judge-VI, paragraph 6 to show that the girl was subsequently recovered and she made a statement under Section 164 of the Cr.P.C in which she stated that she has married on her own with the present petitioner and that was not abducted. He as such, submits that in view of the aforesaid averment of the victim girl as also that the petitioner do not have criminal antecedent, he deserves relief.

Learned APP for the State, on the other hand, submits that the allegation of abducting the minor daughter of the informant and as such, he opposes the prayer for anticipatory bail.

This Court has gone through the observation of the learned Session Judge and the statement of the victim girl which finds incorporated in it. Further, as per the order sheet, the date of birth of the victim girl is 17.04.2004 issued by the Bihar School Examination Board, Patna marksheet and the alleged date of occurrence is of 23.03.2022 and it shows that she was almost 18 years of age on the date of occurrence. Further, her statement is that she has married on her own and was never abducted, the petitioner do not have any criminal antecedent, this Court is inclined to grant him relief.



Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI cum Special Judge (POCSO), Madhubani in connection with Ladaniya P.S. Case No. 84 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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