

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52214 of 2023

Arising Out of PS. Case No.-290 Year-2022 Thana- DHANAHA District- West Champaran

AJAY JAISWAL S/o SRI FEKU JAISWAL Resident of village - Gambhiriya,
P.s. - Padrauna, Distt. - Kushinagar (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 366A and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per FIR, the allegation against the petitioner is that he kidnapped the minor daughter of the informant 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 merely on the basis of suspicion. The F.I.R. has been lodged after the inordinate delay of 12 days. The victim recovered and her statement was recorded u/s 164 of Cr.P.C. wherein she has disclosed her age is 21 years and



she has specifically stated that there was love-affairs in between both of them and out of her own sweet will she she went with the petitioner and performed marriage at Ramkela Temple in U.P. and thereafter they went to Nepal where she spent her conjugal life with her husband peacefully. She has not raised any finger against the petitioner for any overt act. Petitioner has got no criminal antecedent. It is further submitted that the petitioner voluntarily surrendered in the court below on 12.07.2023 and since then he is languishing in judicial custody.

Learned APP appearing for the state has 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 Dhanaha P.S. Case No. 290 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 Additional Sessions Judge-VII-cum-Special Judge under POCSO Act, West Champaran at Bettiah.

(Sunil Kumar Panwar, J)

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