

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55495 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- KAKO District- Jehanabad

1. Sambhu Shankar Prasad @ Sambhu Prasad aged about 56 years (WRONGLY Mentioned In Impugned Order As 30 Years) S/O Thakur Ram R/O Mohalla- Bishunganj (FIDA Hussain Mor, Behind Sanjay Market), P.S- Nagar Jehanabad, Distt.- Jehanabad.
2. Jitendra Kumar S/O Bakhori Prasad R/O Village- Dakshni Daulatpur, Rajabazar, Police Station And Distt.- Jehanabad At Present Village- Bishunganj (FIDA Hussainmor), P.S- Nagar Jehanabad, Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Kumar, Advocate
	:	Mrs. Rajni Singh, Advocate
For the Opposite Party/s	:	Mrs.Nirmala Kumari,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Mrs. Rajni Singh, learned counsel for the petitioners and Mrs.Nirmala Kumari, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with POCSO Case No.02 of 2023 arising out of Kako P.S Case No.3 of 2023, FIR dated 03.01.2023 registered for the offences punishable under Sections 366(A),34 of the Indian Penal Code, Section 8 of the POCSO Act later on added Section 376 of IPC , Section 4 of the POCSO Act and Section 3(2) (va) of SC/ST Act.

3. As per the allegation in the F.I.R., the main



allegation of having kidnapped the minor daughter for the purpose of marriage is on the Dipu Kumar and not the petitioners herein.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and from a bare perusal of the FIR that one co-accused, namely, Dipu Kumar, who has kidnapped the daughter of the informant and Dipu Kumar is son of petitioner No.1 and brother-in-law of petitioner No.2 and the victim was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has categorically stated that she has performed the marriage with co-accused person, namely, Aman Kumar and she has not stated anything about the petitioners.

5. Earlier the provisional bail granted to the petitioners vide order dated 25.08.2023 is hereby confirmed.

6. This application stands disposed of.

(Rajesh Kumar Verma, J)

Nitesh/-

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