

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54917 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- SAKRI District- Madhubani

1. Sunil Kumar @ Sunil Thakur Son Of Jamun Thakur R/V- Kanakpur, Ps-Sakri, Dist- Madhubani
2. Nikki Kumar @ Mithilesh Kumar Paswan Son Of Shyam Paswan @ Shyam Balak Paswan R/V- Amona Bisanpur, P.S-Gwalpara, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shyam Kumar Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 366A read with 34 of the Indian Penal Code and Section 8 and 12 of the POCSO Act.

As per prosecution case, the petitioner and the co-accused Bipin Kumar Paswan is alleged to have kidnapped the minor daughter of the informant aged about 15 years for the purpose of marriage with the assistance of the petitioners.



Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated at para 3 of the bail petition. Learned counsel has further submitted that the victim in her statement recorded u/s 164 of the Cr.P.C. has not stated the name of the petitioners in the crime alleged. The case u/s 366A is not made out against the petitioners.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Sakri P.S. Case No. 59 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

(Chandra Prakash Singh, J)

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