

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58938 of 2023

Arising Out of PS. Case No.-308 Year-2023 Thana- CHIRAIYA District- East Champaran

Mukesh Das @ Mukesh Kumar Son Of Ramanand Das @ Raman Das
Resident Of Village- Mesaudha, Ps- Kunwachainpur, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Chiraiya P.S. Case No. 308/2023 registered on 25.06.2023 for the offences punishable under Sections 365, 366A of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution, the allegation against the petitioner is that he kidnapped the minor daughter of the informant with a view to marrying.

4. It is submitted by learned counsel for the petitioner that the alleged victim has been recovered and in her statement under Section 164 Cr.P.C. she has stated that she has not been kidnapped rather she eloped with this petitioner with her own sweet will and has solemnized marriage in Purniaya Devi



temple and they are residing together as husband and wife. It is further submitted that the FIR has been lodged with a delay of 11 days and the antecedent of the petitioner is clean.

5. Learned APP for the State opposes the prayer for bail and submits there is an allegation of kidnapping the victim but in the statement under Section 164 Cr. P.C. the victim has not supported the prosecution version.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the Chiraiya P.S. Case No.308/2023 in connection with 6th Additional Sessions Judge-cum- Special Judge, POCSO, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

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