

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61154 of 2023

Arising Out of PS. Case No.-1132 Year-2019 Thana- NAWADA District- Nawada

=====

Rajeev Kumar @ Rajeev Ram Son Of Radhey Ram Resident Of Village
Pachohiya P.S. Nawada OP Kadirganj Dist Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 06-12-2023 Heard Mr. Sheo Kumar Prasad, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Nawada P.S. Case No. 1132 of 2019, registered for the
offences punishable under Section 366(A)/34 of the Indian
Penal Code.

3. The prosecution case as alleged in the FIR is that
on 20.09.2019, all the FIR named accused persons, including
the petitioner, took away the daughter of the informant for the
purposes of illegal/immoral activities.

4. Learned counsel appearing on behalf of the
petitioner submits that allegedly the occurrence of taking away
of the victim took place on 20.09.2019, however, the present



FIR has been instituted on 25.09.2019, without assigning any reason for delay. He next submits that the entire case falsifies for the simple reason that during the trial of the POCSO Case No. 12 of 2022, the deposition of the victim was recorded by the learned trial Court wherein, she has categorically stated that she voluntarily left her house and solemnized marriage with co-accused 'Manish Kumar' and started residing with him and his family members in Gujarat. It is also stated that she is also blessed with a baby boy. He next submits that considering the aforesaid facts, co-accused persons have been allowed the privilege of anticipatory bail, the copy of which is marked as Annexure – 3 to the bail application. He lastly submits that save and except the general and omnibus allegation that he was also one of the party in taking away the victim girl, there is no material, however, this allegation has also not been corroborated by the deposition of the victim girl.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that on the alleged date of occurrence, the victim was minor.

6. Regard being had to the submissions made on behalf of the parties and considering the deposition of the victim, wherein, she has not even whisper about the complicity



of the petitioner, coupled with the fact that other co-accused persons have been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-cum-Special Judge (POCSO) Act, Nawada in connection with Nawada P.S. Case No. 1132 of 2019, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

