

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61673 of 2023

Arising Out of PS. Case No.-119 Year-2021 Thana- HAYAGHAT District- Darbhanga

SAROJ KUMAR @ SAROJ MUKHIYA S/o- SHANKAR MUKHIYA
Village- Kothara Po- Kothara Baheri Ps- Hayaghat Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-10-2023 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 363, 366A of the Indian Penal Code and u/s 8/12 of POCSO Act.

3. Allegedly, the petitioners in conspiracy with other co-accused persons kidnapped the daughter of informant for the purpose of solemnizing her marriage with the co-accused Amit Mukhiya.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the



petitioner. He submits that the petitioner is not named in FIR and his name transpired in the present case on the basis of statement of victim recorded u/s 164 of Cr.PC. He further submits that the main co-accused has solemnized marriage with the victim girl and he has been granted bail by this Court. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Hayaghat P.S. Case No.119 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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