

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60089 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- CHANPATIA District- West Champaran

Akash Manoj @ Francis Manoj, S/O Manoj George Bapris, R/O Village-
Padri Dusaiya, Ward No. 33, P.S. Bettiah Muffasil, Dist. West Champaran
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Chanpatiya P.S. Case No. 38 of 2023 registered for the offences punishable under Sections 366(A), 34 of the Indian Penal Code. He has no criminal antecedent.

3. As per the prosecution story, on 17.01.2023 at about 06:30 P.M. when the daughter of the informant did not return home, he went to search her. In course of searching, he found that this petitioner had taken away her daughter with a motive to marry her with the help of other FIR named accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. It is submitted that the daughter of the informant has solemnized marriage with this petitioner before the Marriage Officer, Bettiah after attaining majority. It is further submitted that the daughter of the informant in her statement under Section 161 Cr.P.C. has accepted that she had fled away from her house with this petitioner for marrying on her own will.

5. Learned counsel submits that at this stage the parties have settled their differences and the informant has also given consent to the marriage of his daughter and this petitioner.

6. Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner.

7. Having regard to the facts and circumstances of the case wherein it appears that the present FIR has been lodged two days after the alleged occurrence, the daughter of the informant has solemnized marriage with the petitioner before the Marriage Officer of Bettiah and certificate of marriage is available on the record, she has solemnized marriage after attaining majority and in her statement under Section 161 Cr.P.C., she has stated that she had fled away with the petitioner on her own sweet will for purpose of marriage and further that at this stage, the parties seem to have settled their differences and the informant has also given his consent to the marriage, in



the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Chanpatiya P.S. Case No. 38 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum-A.D.J., VI, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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