

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62098 of 2023

Arising Out of PS. Case No.-171 Year-2022 Thana- SUPAUL District- Supaul

Badal Kumar @ Aditya Raj, S/O Shrawan Sah, R/O Village- Kusheshwar Sthan, Ward No.-06, P.S- Kusheshwar Sthan, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Supaul P.S. Case No. 171 of 2022, registered for the offences under Sections 366(a) of IPC and later on Section 341, 323 and 504/34 of the Indian Penal Code was added.

3. As per prosecution case, the minor daughter of the informant was kidnapped by the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The perusal of FIR shows that the informant is not an eye-witness. The rejection order of Special Judge, POCSO Act, Supaul shows the



statement of the victim was recorded under Section 164 of Cr.P.C. and her age was assessed by the learned judicial magistrate to be 19 years and at the same time as per medical report, the age of the victim was found to be 18 to 20 years and a birth certificate was also produced showing her date of birth to be 29.10.2003. From the entire record, it is apparent that the victim was not minor at the time of occurrence. In her statement recorded under Section 164 Cr.P.C., the victim girl did not support the prosecution case and rather she stated that she has solemnized marriage with the petitioner on her own as she was having love affair with him. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the victim appears to be a major on the date of occurrence and also considering her statement as detail in the rejection order and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail



bonds of Rs. 20,000/- (Rupees Twenty thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul/concerned court in connection with Supaul P.S. Case No. 171 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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