

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62804 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- CHAKIA District- East Champaran

MAUSAM KUMAR, aged about 21 years, Male, SON OF SUDISH PASWAN, resident of Village- BAISAHA (BASAHA), PS- CHAKIYA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-10-2023 Heard Mr. Ajay Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Anil Prasad Singh learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Chakia P.S. Case No. 176 of 2023 dated 16.05.2023 registered for the offence(s) punishable under Sections 363, 366-A, 34 of the Indian Penal Code and Sections 8, 12 of the POCSO Act.

3. As per the allegation made in the FIR, petitioner and two unknown persons are alleged to have kidnapped the minor daughter of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that daughter of the informant on her own



will, ran away and married with the petitioner, who is aged about 21 years. Her statement has been recorded under Section 164 of Cr.P.C., in which, she has stated that she is aged about 20 years and out of her own sweet will, she married with the petitioner and she desires to live with him in her matrimonial house.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR as well as the statement made in paragraph no.7 of the bail application, in which, it has been stated that the victim, in her statement recorded under Section 164 of Cr.P.C., has stated that she is 20 years of age and being adult, she has married with the petitioner, according to her wishes and desire, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Addl. Sessions Judge-cum-Special



Judge, POCSO, Motihari, East Champaran in connection with
Chakia P.S. Case No. 176 of 2023, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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