

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70189 of 2023**

Arising Out of PS. Case No.-120 Year-2022 Thana- BIHRA District- Saharsa

Atish Kumar @ Anish Kumar Rai S/o Sanjay Rai Resident of Village Sattar  
Ward No. 2, P.S. Bihra District Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      03-11-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 363, 366(A)/34 of the Indian Penal Code and Section 12 of POCSO Act, however charge sheet was submitted under Sections 363, 366 (A) of the Indian Penal Code & Sections 8/12 of POCSO Act.

3. As per FIR, the allegation against the accused persons including this petitioner is that they kidnapped the minor daughter of the informant for the purpose of marriage.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case due to previous enmity. As per medical report, the age of



the victim is between 18-20 years. It is further submitted in para 11 of the petition that daughter of the informant was recovered and she has not supported the informant in her statement recorded u/s 164 of Cr.P.C. moreover she was examined as P.W.1 and during trial she has not supported the prosecution case and has stated that she left her house due to cruelty and torture made by her parents. In her statement she has stated that she went with the petitioner out of her own sweet will and performed marriage at temple in Darbhanga and thereafter they went to Gujrat. She has not raised any finger against the petitioner for any overt act. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 11.08.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-



Special Judge (POCSO) at Saharsa in connection with Bihra  
P.S. Case No.120 of 2022.

(Sunil Kumar Panwar, J)

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