

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70588 of 2023

Arising Out of PS. Case No.-374 Year-2022 Thana- CHANPATIA District- West Champaran

Anil Kumar @ Anil Sah Son Of Suresh Sah R/O Village- Tadhawa Ward No.
5, Nandpur, Pokhri Tola, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Chanpatia P.S. Case No. 374 of 2022, lodged on 22.07.2022, under Section 366A/34 of the I.P.C. and Sections 8/12 of the POCSO Act.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner having allegation that they all have kidnapped the daughter of the informant with a view to marry.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the petitioner and the alleged victim were in love



and they eloped to marry and presently marriage has been solemnized between them and they are living together. Counsel submits that in the rejection order there is statement of the victim under Section 161 Cr.P.C. in which admission for marriage has been accepted. It has been submitted by counsel for the petitioner that at present they are living together. He also submits that Annexure-2 indicates that cordial relation has been developed between the families of both the parties. The antecedent of the petitioner is clean and he is in custody since 19.07.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that this fact, which is mentioned by the petitioner, can be ascertained only by statement of the victim recorded under Section 164 Cr.P.C.

6. In this view of the matter, this bail application is disposed of directing the trial Court to pass order afresh on the bail after going through the statement under Section 164 Cr.P.C. If there is no allegation against the petitioner in the statement under Section 164 Cr.P.C. then the Court-below is hereby directed to pass order granting bail to the petitioner imposing conditions so that he may not evade his appearance during trial, but it is made clear that if there is allegation



against the petitioner under Section 164 Cr.P.C. observation
passed by this Court shall no be taken.

(Dr. Anshuman, J)

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