

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69899 of 2022**

Arising Out of PS. Case No.-603 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

VIKASH KUMAR JHA @ VIKASH KUMAR Son of Digambar Jha R/o
Village - Baghari, Ward No.- 05, P.S.- Runni Saidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Murari,Adv.

For the Opposite Party/s : Mr.Zainul Abedin,APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 16-05-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Runnisaidpur P.S. Case No. 603 of 2021 registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code.

The allegation is regarding the daughter of the informant having been kidnapped by the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel



for the petitioner has further submitted that a bare perusal of the impugned order dated 08.09.2022 would show that the victim girl in her statement made under Section 164 Cr.P.C., has not alleged any untoward incident to have been committed by the petitioner rather she has stated that she has voluntarily solemnized marriage with the petitioner. It is also submitted that the daughter of the informant, as on the date of the alleged occurrence is more or less a major, hence benefit of doubt can be granted to the petitioner and he be granted the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no untoward incident is stated to have been committed by the petitioner qua the victim girl



inasmuch as she has not alleged such incident to have been committed by the petitioner, in her statement made under Section 164 Cr.P.C., rather she has admitted to have solemnized marriage with the petitioner, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi in connection with Runnisaidpur P.S. Case No. 603 of 2021 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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