

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72413 of 2023

Arising Out of PS. Case No.-448 Year-2022 Thana- HARSIDHI District- East Champaran

Sonu Kumar S/O Shashikant Prasad Village- Sahnagar, Ps. Harsidhi, Dist.
East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachina, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code and Section 8/10 of the POCSO Act pending in the learned court below.

3. As per the prosecution case, Petitioner along with other co-accused persons kidnapped the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the medical examination of the girl was made for assessing age and the Medical Board found the age of victim is 19 years. He submits that it is a case of love affairs between the petitioner and daughter of the informant. He further submits that similarly situated other co-accused person has already been granted bail by a Co-ordinate Bench of this Court vide order



dated 18.05.2023 passed in Cr. Misc. No. 72558 of 2022. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that statement of the victim was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Harsidhi P.S. Case No. 448 of 2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

5. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order considering the medical board opinion and other co-accused person has already been granted bail by the Coordinate Bench of this Court.

(Anjani Kumar Sharan, J)

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