

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74962 of 2022

Arising Out of PS. Case No.-739 Year-2018 Thana- SITAMARHI District- Sitamarhi

SUBHASH KUMAR Son of Shiv Ratan Rai Resident of Village - Nimani,
P.S.- Bajpatti, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 20-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code and later Section 376 of the IPC and Sections 4/6 of the POCSO Act were added.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 15.07.2018 at 9:00 am her minor daughter had gone to participate in a computer test but she did not come back from the center and after hectic search she came to know from one Hemendra Kumar that her daughter was seen taking a bus at Muzaffarpur for Patna along with one Manish Kumar, Shiv Ratan Rai and Fulo Devi. It is next alleged that earlier in March



2018 also Manish Kumar had made an attempt to take her daughter but was apprehended and in presence of his father, he had given in writing that he will not repeat the said offence. It is next alleged that presently when her daughter did not come, she went to the house of Manish Kumar where she learnt that he along with his parents are not in the house for 3-4 days, thus based on suspicion she has instituted the present FIR.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case merely because he is brother of Manish. It is further submitted that from perusal of the allegations as alleged in the FIR it would manifest that Manish Kumar and the victim were known to each other as earlier also Manish had made an attempt to take her to a different destination but was apprehended but then at that time no case was instituted. It is next submitted that it absolutely does not stand to reason that when the occurrence is dated 15.07.2018 why the present FIR came to be instituted on 23.07.2018. It is also submitted that the victim has come back and her statement under Section 164 of the Cr.P.C. was recorded in which she has disclosed her age as 20 years and has stated that she was forcibly taken by Manish and his parents and was kept in a house where she was tortured and against this



petitioner, it is alleged that he also assaulted her. Learned counsel next submits that the victim and Manish were in love but since the parents of the victim were opposing the relationship as such she was made to make her statement under Section 164 of the Cr.P.C. implicating the entire family members when the petitioner admittedly is a person with clean antecedent. It is further submitted that the said Manish Kumar is already in custody.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sitamarhi P.S. Case No. 739 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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