

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71503 of 2022**

Arising Out of PS. Case No.-285 Year-2022 Thana- MUFFASIL District- West Champaran

SANDEEP RAM S/o Shivsagar Ram R/o Village- Barwat Sena, Ward no. 7,
P.S.- Bettiah (Muffasil), Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 02-05-2023 Heard learned counsel appearing on behalf of the parties.

The accused/petitioner is named in the F.I.R. and apprehend his arrest in connection with Bettiah (Muffasil) P.S. Case No. 285 of 2022, registered for the offences punishable under Sections 366A/34 of the Indian Penal Code and Section 8 of POCSO Act.

The allegation against the petitioner is to kidnap the minor daughter of informant, aged about 14 years, for the purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner submitted that present FIR was lodged after unexplained delay of 09 days, particularly, in the circumstances, where mother of victim appears to be eye-witness of the occurrence, which only



suggest false implication. It is submitted that as per school register, date of birth of victim is 16.05.2005 and she is of 17 years, on the date of registering FIR, whereas, victim was stated to be of 14 years on the date of occurrence only to aggravate the allegations. It is submitted that after recovery, statement of victim was also recorded, where, she failed to state anything incriminating against this petitioner, rather stated that she solemnized her marriage with this petitioner out of her own sweet will and living together.

Learned APP for the State, opposes the prayer of bail.

Considering the aforesaid facts and circumstances of the case and by taking note of unexplained delay of 09 days in lodging FIR, where, mother of victim appears to be eye-witness of the occurrence and also by taking note of statement of victim, as recorded under Section 164 of the Cr.P.C., above named petitioner, in the event of his arrest or surrender before learned court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran /concerned Court, where the case is pending in connection with Bettiah (Muffasil) P.S.



Case No. 285 of 2022, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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