

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76321 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- SAHARGHAT District- Madhubani

Jay Prakash Das, Son Of Bishnath Das, Resident Of Village Basbariya, P.S.-
Saharghat, Dist Madhubani

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Shailendra Kumar Jha, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Saharghat P.S. Case No. 53 of 2023, registered for the
offences punishable under Sections 341, 323, 363, 366(A), 504,
506, 349 of the Indian Penal Code and 8, 12 of POCSO Act.

3. It is alleged that on 24.03.2023 at about 06:30pm
the minor daughter of the informant went to purchase some
household article and thereafter she did not return. In
course of search, the informant came to know that the co-
accused, Raushan Kumar, has enticed away his daughter. The
informant rushed to the house of the co-accused, Raushan
Kumar and narrated the entire incident to the family



members of the accused, whereupon they also abused and assaulted the informant.

4. Learned counsel appearing on behalf of the petitioner submits that allegedly the daughter of the informant was enticed away by co-accused, Raushan Kumar on 24.03.2023, however the present F.I.R. has been instituted on 16.04.2023 and no plausible explanation for such delay has been given barring the plea of panchayati. He further submits that only because of the petitioner being brother of co-accused, Raushan Kumar, against whom the entire allegation revolves around, the petitioner has been made accused in this case. Moreover the victim girl while leaving her house, has left a letter that she has voluntarily left her house in order to solemnize the marriage with co-accused Raushan Kumar and no allegation has been leveled against any of the accused person. It is next submitted that, in fact, on the alleged date of occurrence the petitioner was present at the examination center, at Darbhanga, and he has had no connection with the crime in question. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned counsel for the State



opposed the pre-arrest bail application and submits that the petitioner is closely associated with the co-accused, Raushan Kumar, who has enticed away the daughter of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R. and the fact that save and except, the petitioner being the brother of the co-accused Raushan Kumar, there is no other allegation, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum-Special Judge (POCSO Court), Madhubani in connection with Saharghat P.S. Case No. 53 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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