

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73547 of 2022

Arising Out of PS. Case No.-641 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Vikash Kumar S/o Mewalal Shah R/o village- Chandrahiya, P.S.- Muffasil,
Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Muffasil

P.S. Case No. 641 of 2022 registered for the offence under

Sections 363, 366(A) and 34 of the Indian Penal Code (for short

‘I.P.C.’) and under Section 08 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in

custody since 18.10.2022.

The allegation against the petitioner is to kidnap the

minor daughter of the informant, aged about 16 years, alongwith

other co-accused persons/family members for the purpose of



illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner submitted that the thrust of allegation is available against the brother of the petitioner with whom daughter of the informant solemnized her marriage out of her own sweet will. It is submitted that the allegation as regard to kidnap minor girl is completely false on its face for the reason that the date of birth of daughter of the informant, as per her school certificate is appearing 12.04.2004 and, as such, was of 18 years and 5 months on the date of occurrence. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State, while opposing the prayer of bail, fairly conceded that the victim appears to be major at the time of occurrence, as per her school certificate.

Considering the facts and circumstances as mentioned above, as thrust of allegation is available against the brother of the petitioner, where daughter of informant, being major, solemnized her marriage out of her own sweet will with the brother of the petitioner coupled with the fact that charge-sheet



has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 641 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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