

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74809 of 2023

Arising Out of PS. Case No.-331 Year-2023 Thana- PAHARPUR District- East Champaran

Rahul Kumar S/O Ravindra Ram R/O Vill - Khairwa Kothi, P.S. - Paharpur,
Dist - East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 07-12-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Paharpur P.S Case No. 331 of 2023 dated 18.08.2023 registered for the offence punishable u/ss 366A, 504 read with 34 of the Indian Penal Code and Section 8 of the POCSO Act.

4. As per the prosecution case, the petitioner and accused persons are alleged to have kidnapped the minor



daughter of the informant forcefully. Thereafter, the family members of the petitioner also abused and assaulted the informant and others.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the victim in her statement recorded under 164 of Cr.P.C. has stated that she was in love with petitioner and the victim and the petitioner went to Delhi and solemnized marriage in a temple. Learned counsel has further submitted that the provisions of under Section 8 of POCSO Act is not applicable to the case of the petitioner, because the informant's daughter was not sexually assaulted by the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty



thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Motihar, East Champaran in connection with Paharpur P.S. Case No. 331 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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