

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75193 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- PURAINI District- Madhepura

1. Sonu Kumar Son of Saroj Sah @ Saroj Gupta, Resident of village - Puraini, Devi Das Tola, P.S.- Puraini and District - Madhepura.
2. Saroj Sah @ Saroj Gupta Son of Late Koko Sah, Resident of village - Puraini, Devi Das Tola, P.S.- Puraini and District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Buddhi Lal Yadav, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Buddhi Lal Yadav, learned counsel appearing on behalf of the petitioners and Mr. Nand Kishore Prasad, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Puraini P.S.Case No.20 of 2023, registered for the offences punishable under Sections 363 & 366(A)/34 of the Indian Penal Code and Section 4 of POCSO Act.

3. Allegation made in the FIR against the petitioners is of kidnapping the daughter of the informant with intention to commit rape with the victim girl, who is the daughter of the informant.

4. Learned counsel appearing on behalf of the



petitioners submits that petitioner no.1 and the victim girl were in love relationship. Petitioner no.1 has just crossed the adolescent age and entered into adulthood. He is aged about 22 years but the victim girl has been alleged to be minor and out of her own free will, she has eloped with petitioner no.1. The case has been compromised between the parties.

5. So far as petitioner no.2 is concerned, he is father of petitioner no.1, aged about 50 years, and he has no role in alleged kidnapping of minor daughter of the informant. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submits that the petitioner no.1 has admittedly kidnapped the minor daughter of the informant, as such the petitioners do not deserve to be released on bail.

7. Having considered the rival submissions made on behalf of the parties as well as the fact that the age of the petitioner no.1 is 22 years, who has just attained the age of adulthood and as per the statement made in paragraph no.9 of the bail application, petitioners have made specific statement that the victim girl had stated in her statement recorded under



Section 164 Cr.P.C. that out of her own free will she has eloped with petitioner no.1 and has also married with petitioner no.1 and she is in a family way. I am not inclined to enlarge the petitioner no.1 (Sonu Kumar) on bail without there being any medical record to show that the victim has attained the majority.

8. So far as petitioner no.2 is concerned, it appears that he has no role in the alleged kidnapping of the minor daughter of the informant, he is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIth, Madhepura in connection with Puraini P.S.Case No.20 of 2023 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

9. Petitioner no.1, if so advised, may surrender before the learned district court along with the victim girl and the informant and make prayer for regular bail, in that case, the learned court below after verifying the age of the victim girl and her statement recorded under Section 164 Cr.P.C., as stated in paragraph no.13 of the bail application, as well as, the wishes of the parents of the victim girl, may release the petitioner no.1



(Sonu Kumar) on regular bail on the day he surrenders.

10. With the above observation/direction, the present application is disposed of.

(Purnendu Singh, J)

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