

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6260 of 2024

Arising Out of PS. Case No.-779 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

Arjun Kumar Son of Began Rai @ Bigan Ray Resident of Village- Basantpur,
P.S.- Muffasil, District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priyesh Kumar, Advocate
For the informant	:	Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 779 of 2023 registered for the offence
under Section 363, 366 (a) of the IPC read with Section 8 of the
POCSO Act.

3. The petitioner is alleged to have abducted the minor
daughter of the informant with intent to marry with her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that the petitioner is in custody
since 03.11.2023. There is delay in lodging the FIR. In her



statement under Section 164 Cr.P.C. the victim girl has stated that she left her parental home on 25.10.2023 on her own sweet will and had reach to the house of the petitioner. The FIR was lodged on 2.11.2023.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Having heard both the parties, perused the first information report, 13.12.2023 passed by learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari, it appears that on the basis of written report of informant FIR was registered under Section 363, 366A of the IPC and Section 8 of POCSO Act. From perusal of the impugned order it appears that the victim girl has been recovered and in her statement under Section 164 Cr.P.C. she stated that she had left her parental home on 25.10.2023 on her own sweet will and reached the house of the petitioner. Since last six months, she was in love with him. The victim girl in her statement stated that she was in physical relationship with the petitioner. The petitioner has no criminal antecedent.

7. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail ***after framing of charge*** on furnishing bail bond of Rs. 10,000/- (ten thousand)



with two sureties of the like amount each to the satisfaction of the 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Muffasil P.S. Case No. 779 of 2023 after framing of charge.

8. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on the above conditions and he shall be present physically on each and every date before the trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

saaurabhkr/-

U		T	
---	--	---	--

