

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13693 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- CHIRAIYA District- East Champaran

SANDEEP KUMAR, Male, aged about 22 years, S/O BHBHIKHAN RAM
R/O VILLAGE- BAHUARWA, P.O AND P.S- CHIRAIYA, DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-04-2024 Heard Mr. Pravin Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Navin Kumar Pandey,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Chiraiya P.S. Case No. 236 of 2023 registered for the
offence(s) punishable under Sections 365, 366(A) of the Indian
Penal Code and Section 8 of the POCSO Act.

3. As per the allegation made in the FIR, the accused
persons named therein including the petitioner has kidnapped
the minor daughter of the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has been
falsely implicated in the present case. It is further submitted that



victim girl has been recovered and her statement was recorded under Section 164 Cr.P.C., in which she has admitted in paragraph no.3 that she was not kidnapped rather she had gone along with the petitioner as per her own desire and now she wants to live with her father and mother.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that considering the nature of allegation, as well as the statement of victim recorded under Section 164 of Cr.P.C., the District Court may pass necessary order.

6. Considering the nature of allegation, as well as, the fact that statement of the victim's girl was recorded on 03.06.2023 before the concerned Magistrate, wherein, she has admitted that on 30.04.2023, as per her own desire, she had gone along with Sandeep (petitioner) and now she wants to live with her father and mother, being minor and also the fact that age of petitioner is 22 years and it appears that he has just emerged as an adult and there is every likelihood that he may not be aware of the consequences which he has to face, having eloped with a minor girl, aged about 15 years, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a



period of four weeks from today, 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 Act, East Champaran, Motihari in connection with /Chiraiya P.S. Case No. 236 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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