

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15189 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- DHAMDAHA District- Purnia

SHIV RAJ ANAND @ PAWAN SINGH SON OF SRI RAMSHARAN
SINGH RESIDENT OF VILLAGE- MADHUBAN, PS-
UDAKISHUNGANJ, DIST- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 **1.** Heard learned counsel appearing on behalf

of the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is not named in the

F.I.R. and apprehending his arrest in connection with

Dhamdaha P.S. Case No. 107 of 2023 registered for the

offences punishable under Sections 363 and 366 A of

the Indian Penal Code.

3. The allegation against the petitioner who is

practicing advocate of Udakishunganj Sub-Divisional

Court, Madhepura is to kidnap the minor daughter of



informant aged about 14 years alongwith other co-accused persons for the purpose of illicit intercourse/marriage.

4. Learned counsel appearing on behalf of the petitioner submitted that thrust of allegation is available against co-accused Sachin Singh, who is named in the FIR. It is submitted that during the course of investigation the name of petitioner surfaced when statement of victim recorded under Section 164 of the Cr.P.C. but even prior to that while recording her statement under Section 161 of the Cr.P.C. the name of petitioner was not disclosed by the victim. It is submitted that victim specifically stated that she left her house out of her own sweet will and solemnized marriage with named co-accused namely Sachin Singh. It is also submitted that implication of petitioner is under instigation of parents of the victim, where after remaining together for couple of days statement of victim under Section 164 of Cr.P.C. was recorded.



5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the variations in the statement of victim as recorded under Section 161 of Cr.P.C. *qua* Section 164 of Cr.P.C., where thrust of allegation appears available against named co-accused Sachin Singh, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-VII-cum-Special Court POCSO, Madhepura/concerned Court where the case is pending in connection with Dhamdaha P.S. Case No. 107 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of



offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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