

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21392 of 2024

Arising Out of PS. Case No.-335 Year-2023 Thana- SIKARPUR District- West Champaran

Bittu Kumar, Male, aged about 18 years, S/o Rambabu Ram, R/o Vill -
Puraina, Ward No. 9, P.S. - Shikarpur, Dist. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Priyanka Singh, Advocate Mr. Adarsh Singh, Advocate
For the State	:	Ms. Meena Singh, APP
For the informant	:	Vashisht Narayan Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-07-2024 Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Adarsh Singh and Ms. Priyanka Singh, learned counsels appearing on behalf of the petitioner; Ms. Meena Singh, learned APP for the State and Mr. Vashisht Narayan Mishra, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Shikarpur P.S. Case No. 335 of 2023 registered for the offence(s) punishable under Sections 363, 366A, 341, 323, 504/34 of the Indian Penal Code and Sections 4 and 12 of the POCSO Act.

3. As per the allegation made in the FIR, the accused persons including the petitioner allegedly has kidnapped the



minor daughter of the informant.

4. Mr. Yogesh Chandra Verma, learned Senior Counsel appearing on behalf of the petitioner submitted that petitioner is innocent, aged about 18 years and he was in love relationship with the victim and has not forcibly kidnapped her with an intention to force her in sex activity with other persons which cannot be imagined considering the age of the victim and petitioner, who are aged about 14 years and 18 years respectively and are undergoing with psychological, physiological as well as biological changes and attraction for opposite sex is natural. Even considering that they left for Delhi together, the same does not amount to attract the provision of the POCSO Act, as the victim has denied any physical assault of any kind against the petitioner.

5. Mr. Vashisht Naryan Mishra, learned counsel has tendered his appearance on behalf of the informant and submitted that the petitioner has forcibly kidnapped the minor daughter of the informant and thereafter he had committed rape and the family members including the mother of the petitioner assaulted the minor daughter of the informant and as such, petitioner don't deserve to be released on bail.

6. Learned APP for the State referring to the statement



of the victim recorded under Section 164 Cr.P.C. informs this Court that the main allegation of assaulting the victim is against the mother of the petitioner. The victim has not supported the allegation made in the FIR that the petitioner has committed wrong with her. However, the petitioner's complicity in the commission of the crime cannot be ruled out and, as such, the petitioner don't deserve to be released on pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the victim who has admitted her age 14 years in her statement recorded under Section 164 Cr.P.C. has stated that she willingly sat on the motorcycle of the petitioner and thereafter she went to Delhi along with the petitioner. She has not stated that the petitioner had assaulted her and left her alone in jungle, from-where she returned back to home. I find that the victim is adolescent and the petitioner has just emerged an adult and are/were undergoing psychological, physiological as well as biological changes and infatuation and attraction for the opposite sex is natural. I am of the opinion that petitioner, who is 18 years of age, has, prima facie, made out a case to be released on pre-arrest bail.

8. 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 7th Addl. Sessions Judge-cum-Special Judge, POCSO Act, West Champaran, Betiah /concerned court in connection with Shikarpur P.S. Case No. 335 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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