

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23230 of 2024

Arising Out of PS. Case No.-320 Year-2023 Thana- PARIHAR District- Sitamarhi

1.

SUSHIL RAUT S/O LALU RAUT @ LOLO RAUT R/O VILLAGE-VISHUNPUR, P.S- PARIHAR, DIST.- SITAMARHI.
2.

RUBI KUMARI W/O SUSHIL RAUT R/O VILLAGE- VISHUNPUR, P.S- PARIHAR, DIST.- SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar
For the State	:	Mr. Dinesh Singh
For the Informant	:	Mr. Ayush Kumar
		Ms. Kanishka Shankar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-09-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 363, 366A of the Indian Penal Code and Section 8 of the POCSO Act.

3. The allegation against the petitioners is that they kidnapped the minor daughter of the informant and co-accused Satyam Kumar solemnized marriage with her.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place.



There is no specific overt act against the petitioners. Petitioners are the parents of the co-accused Satyam Kumar. There is a delay of three days in lodging of the FIR. He further submitted that the victim has not supported the prosecution case in her statement recorded u/s 164 of Cr.PC. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. Learned counsel for the informant submitted that the petitioners are also involved in the present case. The delay in lodging of the FIR is because the informant along with his family went to his native place for Chhath Puja and his daughter was alone in the house and this point of delay is already explained in the FIR. He further submitted that the marriage of the co-accused Satyam Kumar with the victim is void as the victim is a minor. So far as the statement of the victim under Section 164 of Cr.PC is concerned, the same is of no evidentiary value because the victim girl is minor.

6. Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a



period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Parihar P.S. Case No.320 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

shikha/-

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

