

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25480 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- KOTWA District- East Champaran

Guddu Yadav @ Saurabh Kumar Son of Harindar Prasad Yadav @ Harendra
Rai, Resident of Village - Koirgawa, P.S. - Kotwa, District - East Champaran
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate
For the Opposite Party/s :		Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Kotwa P.S. Case No.258 of 2023 instituted under Sections 363,
366A, 34 of the Indian Penal Code and Sections 8 and 12 of the
POCSO Act.

3. There is allegation of kidnapping of informant's
daughter, against the named accused persons including
petitioner, while she was returning after attending marriage
ceremony.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. There is inordinate delay of about 16 days in lodging the
F.I.R. without any plausible explanation. The victim in her
statement recorded under Section 164 Cr.P.C has not made any



allegation of sexual assault or kidnapping against the petitioner. The victim in her statement has stated that she left her house with her own sweet will and solemnized marriage with the petitioner due to love affairs. The victim is now a major girl and as per medical report, her age was assessed between 18-19 years. The petitioner is a young boy having no criminal antecedent and he undertakes to cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Kotwa P.S. Case No.258 of 2023 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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