

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30369 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- BARGAINIA District- Sitamarhi

Surendra Kumar @ Surendra Sah (Male), aged about 55 years, S/O Late Shiv Narayan Sah, R/o Village- Kharua Chainpur, P.S- Kundawa Chainpur, Distt- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anshuman Singh, Advocate
For the Opposite Party : Mr. Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 25-06-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bairgania P.S. Case No. 243 of 2023 dated 13.10.2023 registered for the offences punishable under Sections 366A, 372/34 of the I.P.C. and Section 8 of the POCSO Act.

3. As per the prosecution case, on 13.10.2023, when the minor daughter of the informant went to coaching, the co-accused Sonu Kumar kidnapped her for the purpose of marriage or for some doing illegal act.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the



F.I.R. and he is a grocery shopkeeper and he does his own business in the same locality. The co-accused Sonu Kumar is the son of the petitioner and he lives outside and the petitioner had no information regarding the said occurrence. He is separate in mess and property from the co-accused Sonu Kumar. He has no concern with the alleged offence. The victim's statement has been recorded under Section 164 Cr.P.C., in which she has stated that there was love affair between the victim and the co-accused Sonu Kumar for the last two years and on 13.10.2023, the victim out of her own will went to Delhi with the co-accused Sonu Kumar and has performed marriage with him in a temple and they are living together as the husband and the wife. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 05.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Sitamarhi in



connection with Bairgania P.S. Case No. 243 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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