

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35816 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- SIKARPUR District- West Champaran

Sanish Kumar, Gender-Male, aged about 22 years, Son of Vinay Kushwaha,
Resident of Village - Malkauli, P.S.- Bairiya, District - West Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Pratima Devi, Gender-Female, aged about 35 years, Wife of Rajkeshwar Kushwaha, Resident of Village - Ward No.- 11, Satwariya, P.S.- Shikarpur, District - West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Umesh Kumar Gupta, Advocate
For the O.P. No. 2	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 23-09-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Shikarpur P.S. Case No. 82 of 2024 dated 01.02.2024 registered for the offences punishable under Sections 363, 366A/34 of the I.P.C. and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the petitioner and other co-accused persons are alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.

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 there was love affair between the petitioner and the victim. The victim has been recovered and her statement under Section 164 of the Cr.P.C. has been recorded in which she has stated that on 21.01.2024 she of her own sweet will went with the petitioner to *Ludhiyana* and before going to *Ludhiyana*, she performed marriage with the petitioner in a *Hanuman Temple* in *Bettiah* in which her aunt Anita Devi helped her. It is further submitted that the victim in her statement has not stated that she was forced/seduced to have intercourse with any another person. It is further submitted that the victim has not raised any alarm while she was being taken to *Ludhiyana*. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 06.02.2024.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the bail petition of the petitioner. Learned counsel for the opposite party no. 2 has further submitted that the victim is a minor girl and she was kidnapped by the petitioner and the co-accused persons for the purpose of marriage.

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 District and Sessions Judge-VII-cum- Special Judge, (POCSO), West Champaran, Bettiah in connection with Shikarpur P.S. Case No. 82 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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