

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36888 of 2024

Arising Out of PS. Case No.-298 Year-2022 Thana- CHIRAIYA District- East Champaran

Raushan Kumar S/o Manoj Kumar @ Manoj Kumar Srivastava R/o vill -
Harbolwa, P.S. - Chiraiya, Distt.- East Champaran Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

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

2. The petitioner seeks regular bail in connection with Chiraiya (Shikarganj) Police Station Case No. 298 of 2022 registered for the offence under Sections 363, 366(A) and 120(B) of the IPC and Section 4 and 8 of POCSO Act.

3. As per the allegation in the FIR, it is a case of alleged kidnapping of minor daughter of the informant wherein the accused person promised to return the minor victim girl but later refused to do so.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that during course of investigation victim was recovered and she was examined under Section 164 of the Cr.P.C. before the learned Magistrate in which she has stated that she was in love affair with the present



petitioner, namely, Raushan Kumar and on 18.06.2022 she had left her parental home and thereafter she alongwith the petitioner went to Punjab where they solemnized marriage with each other. He next submits that in the educational record, her date of birth is 18.10.2004 as mentioned in the impugned order but on assessment of her age by learned Magistrate which is recorded under Section 164 Cr.P.C., the victim is aged about 20 years. He next submits that the petitioner is in custody since 02.04.2024.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bonds 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, East Champaran, Motihari in connection with Chiraiya (Shikarganj) P.S. Case No. 298 of 2022.

(Ramesh Chand Malviya, J)

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