

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37242 of 2024

Arising Out of PS. Case No.-366 Year-2023 Thana- CHAKIA District- East Champaran

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Bikram Kumar @ Vikram Kumar, Son Of Late Chandeshwar Thakur,
Resident Of Village - Gawandra Tola Dharampur, Ward No.-12, P.S. - Chakia,
District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-06-2024 Heard Mr. Abhishek Kumar, learned counsel

appearing on behalf of the petitioner and Ms. Asha Devi,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Chakia P.S. Case No. 366 of 2023, registered for the
offence punishable under Sections 363, 365, 34 of the Indian
Penal Code and Section 8 of the POCSO Act.

3. As per the allegation made in the FIR, daughter of
the informant left her house on 30.09.2023 and did not return.
The suspicion has been raised against the petitioner that he has
kidnapped the daughter of the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner has just emerged as an adult



and is aged about 22 years and he was in love relationship with the daughter of the informant though he was not conscious of the fact that she has not attained her majority and is less than 16 years. Both daughter of the informant, as well as, the petitioner were also unaware of the stringent provision of POCSO Act and it is well known that the informant was emerging as an adult and was going through several psychological and physiological change in her body. It has been admitted by the daughter of the informant in her statement recorded under Section 164 Cr.P.C. that she was in love relationship with the petitioner for past one year and the family members wanted to marry her with someone else. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. I appreciate the reason given by the learned counsel appearing on behalf of the petitioner that the petitioner has just emerged as an adult and he was in love relationship with the daughter of the informant, who too has supported the said fact under statement recorded under Section 164 Cr.P.C. and she has also stated that her parents wanted to marry her with someone else. Since the daughter of the informant has not attained the



majority but her statement shows that she, on her own, had eloped with the petitioner. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge POCSO, East Champaran, Motihari, Bihar, in connection with Chakia P.S. Case No. 366 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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