

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48905 of 2024

Arising Out of PS. Case No.-210 Year-2022 Thana- KARPI District- Jehanabad

Nirmal Kumar, aged about 20 years, Male, Son of Kamta Yadav @ Kamata Singh, Resident of Village- Satwan, P.S. Karpi, District Arwal.

... .. Petitioner

Versus

1. The State of Bihar.
2. Mantu Yadav, son of Sarju Yadav, R/O Village- Santwan, P.S.- Karpi, Dist- Arwal.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Umesh Kumar, Advocate
For the State	:	Mr. Dr. Mrityunjaya Kr. Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 13-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Karpi P.S. Case No. 210 of 2022 dated 25.08.2022 registered for the offences punishable under Sections 366A, 504, 506 of the I.P.C. and Section 8 of the POCSO Act.

3. As per the prosecution case, on 19.08.2022 at about 3.00 A.M., the minor daughter of the informant aged about 15 years, went to call of nature in the *Badar field* but she did not return. The informant and his family members started to search her and inquire from the local people. In course of that, it has



come to the knowledge of the informant that the co-accused Guddu Kumar who had come to the house of his maternal uncle in the village of the informant, kidnapped her daughter after seducing for the purpose of marriage. When the informant and other family members went to the house of the co-accused Guddu Kumar in the village of *Kodra* to inquire into the matter then his father Chhote Lal Mistry, mother Kiran Devi and his younger brother Rama Shankar Kumar abused them and told them that his daughter would not return to their house. After that they returned to their house. Thereafter, they went to the house of his maternal uncle in the village-*Santwan* to interrogate them about his daughter, then his maternal brothers Sonu Kumar, Chhotu Kumar and Ajit Kumar abused and became ready to assault and told that Nirmal Kumar (petitioner) took the victim to Jehanabad. The informant has full faith that the petitioner and the co-accused persons kidnapped his minor daughter for the purpose of marriage.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is a co-villager of the co-accused Guddu Kumar. He has not provided any kind of aid to the co-accused Guddu Kumar. The victim has been



recovered and her statement under Section 164 of the Cr.P.C. has been recorded in which she has not alleged any allegation against the petitioner rather she has stated that the grandmother's house (*Nani ghar*) of the petitioner is in her village where he used to come for study. Her parents wants to marry her. She told her parents that she loves the co-accused Guddu Kumar but they refused to marry her with him. She has been confined in the house and she was stopped to provide meal and wants to kill her. Thereafter, she fled away and reached at the house of the co-accused Guddu Kumar and marry with him in *Kodra Temple* and went to *Tarar* and thereafter went to *Surat*. Now, she became pregnant for six months. The victim was brought to the Medical Board at Sadar Hospital, Arwal but the victim denied to be medically examined. The victim was not forced/seduced to have intercourse with any other person. It is further submitted that the said co-accused Guddu Kumar has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 40022 of 2023 under order dated 21.07.2023, annexed as Annexure-4 to the present bail application. Similarly, the other co-accused persons Chhote Lal Mistry and Kiran Devi have already been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 33685 of 2023



under order dated 24.07.2023, annexed as Annexure-5 to the present bail application. The co-accused persons Sonu Kumar and Chotu Kumar have also been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 50694 of 2023 under order dated 23.08.2023, annexed as Annexure-6 to the present bail application. Similarly, the other co-accused Rama Shankar Kumar has also been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 54757 of 2023 under order dated 30.08.2023, annexed as Annexure-7 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO) Act, Jehanabad, in connection with Karpi P.S. Case



No. 210 of 2022, subject to the condition as laid down under
Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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