

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50625 of 2024

Arising Out of PS. Case No.-587 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Sundar Saday Son Of Dahu Saday Vill/Mohalla- Kharua P.S -Sadar Distt-
Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi Wife of Daini Paswan Village- Ramsalla, Ps- Sadar, Dist-
Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 25-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sadar
P.S. Case No. 587 of 2023 dated 26.08.2023 instituted for the
offence punishable under Sections 363, 366A, 504/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that on the alleged
date and time of occurrence, someone kidnapped the informant's
minor daughter when she was sleeping in the night. It is alleged
that her daughter has been kidnapped with intention to marriage.
During the course of search, the informant came to know that the
the co-accused persons, namely, Aditya Kumar & Mamta Devi
used to make her daughter talk with one person on mobile phone.



On enquiry made by the informant, Mamta Devi started abusing her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that earlier on two occasions, the daughter of the informant voluntarily left her house and joined the company of the petitioner on her sweet will. In the present case also, the daughter of the informant voluntarily left her house and joined the company of the petitioner on her own sweet will. Learned counsel for the petitioner further submits that the victim in her statement recorded under Section 164 of the Cr.P.C., stated that she voluntarily went out from her house. The petitioner did not take away her. She loves the petitioner. On earlier occasion, she eloped herself five times from her house. She wants to live at the house of the petitioner. In the said statement, the victim has stated that her age is 17 years. Learned counsel for the petitioner further submits that during investigation, nothing has come against the petitioner which connects the petitioner in this case. In the statement recorded under section 164 Cr.P.C., the victim has also stated that no one had kidnapped her. Lastly, it has been submitted that the petitioner is in custody since 04.10.2023 having two criminal cases which was lodged by the parents of the victim. Charge-sheet has been submitted in the case.



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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, (POCSO Act), Darbhanga in connection with Sadar P.S. Case No. 587 of 2023.

(Khatim Reza, J)

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