

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45653 of 2024

Arising Out of PS. Case No.-474 Year-2022 Thana- RAJAON District- Banka

Mithun Thakur Son of Binod Thakur R/O Vill. Dhayharana, P.S.- Nawada Bazar,(Rajoun), Dist.- Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nokhelal Singh Son of Late Bateshwar Pd. Singh R/O Rajaon, (Banka).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Rajoun (Nawada Bazar) P.S. Case No. 474 of 2022 dated
09-10-2022, instituted for the offence punishable under Sections
363 and 365 of the Indian Penal Code.

3. The prosecution case in short that on 03-10-2022 at
about 9 AM the informant's daughter went for worship but she
did not return home. Thereafter, the informant searched his
daughter in the houses of his relatives but his daughter was not
found, leading to lodging of the instant FIR.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. It is submitted that petitioner is not named in the FIR nor any witness has seen taking away the informant's daughter. The victim herself appeared before the police and recorded her statement under Section 161 Cr.P.C. wherein, she has stated that she was in love with the petitioner for last two years. She had disclosed her parents that she would marry with the petitioner, but her father had assaulted her and settled her marriage with someone, and as such, she herself went with the petitioner to Kolkata and the allegation of kidnapping is false and concocted story. The statement of victim was also recorded under Section 164 Cr.P.C. wherein, she has also stated that she had expressed her will to get marry with the petitioner upon which, she was beaten by her father, on account of which, she sustained injury and her hand was broken. Her mother gave one thousand Rupees and asked her to marry with the petitioner. Thereafter, the victim went away with the petitioner on 03-10-2022 and got married with him at Kolkata. It is also submitted that doctor has assessed her age between 17 to 19 years, which goes to show that the victim was at the door of her majority. Further, it is submitted that after marriage, victim is living with the petitioner as per her desire with a newly born baby. Lastly, it has been submitted that petitioner has no



criminal antecedents.

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, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Rajoun (Nawada Bazar) P.S. Case No. 474 of 2022, he shall be released on anticipatory 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 Additional Sessions Judge-6th-cum Special Judge, POCSO Banka, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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