

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45282 of 2024

Arising Out of PS. Case No.-691 Year-2023 Thana- SURSAND District- Sitamarhi

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1. Niraj Kumar, aged about 20 years, Male, son of Subodh Ram,
 2. Rajan Kumar, aged about 20 yers, male, son of Surendra Paswan,
 3. Abhinandan Kumar, aged about 21 years, male, son of Amarnath Paswan,
All R/o Village- Simiyahi, PS- Sursand, Distt.- Sitamardhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Ijharey Alam, S/o Late Parid Ansari, R/o village- Simiyahi, P.S. -
Sursand, Distt. - Sitamardhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Sursand PS Case No.691 of 2023 dated 07.12.2023, instituted
under Sections 363, 365, 366-A, 370, 372/34 of the Indian Penal
Code and Section 8 of the Prevention of Children from Sexual
Offences Act.

3. The allegation against the petitioners and others is
of kidnapping the minor daughter of the informant aged about
15 years when she had gone to attend nature's call.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and they have been falsely implicated in



this case. Further submission is that the FIR has been lodged after five days of the occurrence without any plausible explanation for the delay. It is further submitted that the victim was examined under Section 164 Cr.P.C. in which she has only stated that the accused persons (petitioners) took her to Delhi and thereafter they left her and then on 05.12.2023, she returned to Sitamarhi by train. There is no allegation of any sexual assault and thus, Section 8 of the Prevention of Children from Sexual Offences Act will not attract. It is also submitted that the matter has been compromised between the parties and a compromise petition has already been filed in the Court below. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge- VI cum Special Judge, POCSO, Sitamarhi, in Sursand PS Case No.691 of 2023,



subject to the conditions laid down in Section 438(2) of the
Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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