

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44403 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- ALAMNAGAR District- Madhepura

Anand Kumar aged about 19 years, Sex- Male, Son of Sanjay Singh @ Sanjay Kumar Singh, Residents of Village - Khapur, Ward No. 14, Police Station - Ratwara, District - Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Usha Devi Wife Of Shravan Kumar Resident Of Village - Khapur, Police Station - Ratwara, District - Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s :	Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard Mr. Uday Chand Prasad, learned counsel appearing on behalf of the petitioner and Mr. Shailendra Kumar Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Alamnagar (Ratwara O.P) P.S. Case No. 350 of 2023, registered for the offence punishable under Sections 341, 342, 363, 504 , 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the allegation made in the FIR, accused persons including the petitioner, had kidnapped the daughter of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case due to dirty village politics. He further submitted that the date of incidence is 07.12.2023, but the FIR was lodged on 21.12.2023, after delay of 14 days and no explanation has been given to that effect. Victim girl has given statement recorded under Section 164 of the Code of Criminal Procedure that she, on her own, had went to Delhi, where her aunt resides and when she learnt about the lodging of the FIR by her parents, she was returning home and police caught her. Petitioner has clean antecedent. 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. Considering the rival submissions made on behalf of the parties, as well as, the fact that victim girl has not supported the prosecution case in her statement recorded under Sections 161 and 164 of the Code of Criminal Procedure. Petitioner is 19 yeas old and has just crossed the adolescent age and entered into adulthood. Petitioner has clean antecedent. 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 learned District Court 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 Additional Sessions Judge VI,-cum-Special Judge, POCSO Court, Madhepura, in connection with Alamnagar (Ratwara O.P) P.S. Case No. 350 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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