

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51228 of 2024

Arising Out of PS. Case No.-420 Year-2023 Thana- MADHAURAH District- Saran

RAJA SINGH S/O MUKESH SINGH @ MUKESH KUMAR SINGH R/O
VILLAGE- BABU KE ASSOIYA, P.S- MARHOWRAH, DISTT.- SARAN
AT CHAPRA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KRISHNA PRASAD S/O LATE MADAN PRASAD R/O VILLAGE-
BABU KE ASSOIYA, P.S- MARHOWRAH, DISTT.- SARAN AT
CHAPRA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Marhowrah P.S. Case No. 420 of 2023 dated
15.07.2023 registered for the offence/s punishable u/ss 363,
366A, 376D read with section 34 of the Indian Penal Code and
Section 4 and 6 of the POCSO Act.

3. As per the prosecution case, the co-accused, Munna
Singh is alleged to have kidnapped the minor daughter of the
informant for the purpose of marriage with the assistance of the
petitioner.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a delay of four days in lodging the FIR. There is nothing on record showing that the victim was forced to have illicit intercourse with another persons. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The co-accused, Munna Singh has been granted anticipatory bail by this Court vide order dated 10.04.2024 passed in Cr. Misc. No. 23253 of 2024. As per the report of the medical board, there is no any evidence of sexual intercourse. It is further submitted that the victim has not raised any alarm while she was being taken to Kolkata by the petitioner and the co-accused persons.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner. It is further submitted that the victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution case. The victim is a minor girl.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on 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 court concerned, Saran in connection with Marhowrah P.S. Case No. 420 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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