

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50536 of 2024

Arising Out of PS. Case No.-490 Year-2023 Thana- SUGAULI District- East Champaran

Chandi @ Chandi Sahani Son of Munilal Sahani Village- Hata (Raghunathpur Bazar), PS- Sugauli, Dist- East Champaran at Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nasim Miyan Son of Taiyab Miyan Village- Hata (Raghunathpur Bazar), Ward No. 11, PS- Sugauli, Dist- East Champaran at Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Sugauli P.S. Case No.490 of 2023 instituted under Sections 363, 366A, 504, 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per prosecution case, the minor daughter of the informant was kidnapped by the petitioner for the purpose of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is a delay of nine days in lodging the F.I.R. without any explanation. It appears from the impugned order that the



victim girl in her statement under Section 164 of the Cr.P.C. has stated that she had left her parental home and gone with the petitioner to Pinra by train. The allegation of the informant against the petitioner has no merit. The victim has not alleged any allegation against the petitioner. The petitioner is a young boy having no criminal antecedent and he undertakes to cooperate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering 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 petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Sugauli P.S. Case No.490 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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