

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54804 of 2024

Arising Out of PS. Case No.-784 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Raju Kumar S/o Ram Daras Sahani R/O Village-Dhekha, Kaswa Tola, P.S.-
Pipra Kothi, Distt-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raju Sahani S/o Late Sugrib Sahani R/o Village-Bhatahan, P.S.-Muffasil,
Motihari, District-East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate.

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-10-2024 Heard Mr. Anil Kumar, learned counsel appearing on

behalf of the petitioner and Mr. Satyendra Narayan Singh,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Muffasil P.S. Case No. 784 of 2023 registered for the
offence punishable under Sections 363 and 366(A)/34 of the
Indian Penal Code and Section 8 of the POCSO Act.

3. As per the allegation made in the F.I.R., minor
daughter of the informant was kidnapped by the petitioner along
with other co-accused.

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



victim girl herself had visited her sister's house and she was in love relationship with the petitioner. The learned District Court has recorded in its order that "it transpires that the victim girl has been recovered and the statement of the victim girl has got recorded u/s 164 of the Cr.P.C., wherein, the victim girl has stated that on 01.11.2023, she had left her parental home and had gone to Gorakhpur, where, she and Raju (accused petitioner) lived in a room like wife and husband. The victim girl has further stated in her said statement that she and Raju (accused petitioner) would marry with each other, once, she attains the age of majority."

5. Learned counsel further submitted that the date of birth of the petitioner as recorded in the educational record is 03.04.2008. In this background, learned counsel submitted that no case of kidnapping is made out against the petitioner and the victim being adolescent and the petitioner who has just attained adulthood infatuated with each other and in absence of any allegation made by the victim, petitioner be released on pre-arrest bail.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having considered the rival submissions made on



behalf of the parties, as well as, the fact that from perusal of the impugned order, it appears that the learned District Court has recorded the statement of the victim under Section 164 Cr.P.C. that the victim had left her parental home and had gone to Gorakhpur, where, she and Raj (accused petitioner) lived in a room like wife and husband. The victim girl has further stated in her said statement that she and Raju (accused petitioner) would marry with each other, once, she attains the age of majority.

8. Considering the statement of the victim recorded under Section 164 Cr.P.C. and no allegation of any wrong committed by the petitioner alleged by the victim, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on bail.

9. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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, Motihari in connection with Muffasil P.S. Case No. 784 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



10. The bail application stands disposed of.

(Purnendu Singh, J)

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