

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57237 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- CHORAUT District- Sitamarhi

Sujit Rai Son of Rajeshwar Rai @ Rajisharan Rai R/O- Village- Basotara,
P.S.- Choraut, Distt.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ganaur Rai @ Gonaur Rai Son Of Late Jaikant Rai R/O- Village- Basotara,
P.S.- Choraut, Distt.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Singh, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Choraut P.S. Case No. 164 of 2023, registered on 23.11.2023, for the alleged offence under Sections 363, 365, 366(A)/34 of the Indian Penal Code and Section 10 of the POCSO Act.

03. As per prosecution case, petitioner and other co-accused persons kidnapped the minor daughter of the informant and the informant showed his apprehension that she would be forced into immoral trafficking or she would be murdered.

04. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The daughter of the informant herself left her house and went away with petitioner to Jalandhar (Punjab) where they solemnized marriage. Learned counsel further submits that there is no role of the petitioner in enticing away the daughter of the informant who was in love with the petitioner and who pressurized him to solemnize the marriage. Statement to this effect was recorded by the victim girl under Section 164 Cr.P.C. and this shows the allegation against the petitioner and others is completely false and concocted. Even the FIR has been registered after five days of occurrence, which creates doubt over the prosecution story. Learned counsel further submits that the petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the date of birth of the victim girl is stated to be 05.06.2007 and she was minor on the date of occurrence.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the statement of the victim girl and further considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned



within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Session Judge-VI, Sitamarhi/concerned court in connection with Choraut P.S. Case No. 164 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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