

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58189 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- MAINATAND District- West Champaran

Sandeep Kumar Son of Bidya Sah Resident of Village- Paschim Pakuhawa,
P.S.- Mainatand, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rambabu Sah Son of Late Vishwanath Sah Resident of Village- Hajma Tola,
P.S.- Mainatand, Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate Mr. Md. Dilshad Alam, Advocate Mr. Sitesh Kashyap, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Mainatand P.S. Case No. 74 of 2024 dated 01.05.2024,
instituted for the offence punishable under Sections 366A,
506/34 of the Indian Penal Code and Sections 8/12 of POCSO
Act.

3. The prosecution case, in short, is that on
17.04.2024, the informant's daughter had gone to see a fair at
Mainatand. When the victim did not return home till evening,
the informant started searching her. In course of search, the
informant came to know that petitioner has enticed away the



victim with intent to marry her. The informant went to the house of the petitioner. The family members of the petitioner denied to return the victim and abused the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the date of occurrence is 17.04.2024 but the FIR was lodged on 01.05.2024 i.e. after 14 days without any plausible explanation. It is further submitted that victim girl had given her statement under Section 164 Cr.P.C. in which she has categorically stated before the learned Magistrate that she called the petitioner at Mela from where she went to Nepal with the petitioner on motorcycle and solemnized marriage with him. The victim has categorically stated her age to be 17 years. Learned counsel further submitted that it is evident from the statement of the victim recorded under Section 164 Cr.P.C. that she had gone with the petitioner on her own wish. There is no allegation against the petitioner in the statement of victim recorded under Section 164 Cr.P.C. Learned Sessions Judge mentioned the date of birth of the victim in the impugned order as 09.03.2007; The victim girl was aged 17 years 1 ½ months at the time of occurrence. Lastly, it has been submitted that petitioner has no criminal antecedents.



5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Mainatand P.S. Case No. 74 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional District & Sessions Judge-cum-Special Judge POCSO, Bettiah, West Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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