

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58384 of 2024

Arising Out of PS. Case No.-177 Year-2023 Thana- DUMRA District- Sitamarhi

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Pawan Kumar @ Pawan Thakur Son of Suresh Thakur Resident of Village -
Khotha, P.S. - Belsand, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Ajodhi Bhagat @ Ayodhya Bhagat Son of Subedar Bhagat Resident of
Village - Dharmwana, Ward No.13, P.S. - Dumra, District - Sitamarhi

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Dumra P. S. Case No. 177 of 2023 dated 03.04.2023 instituted
for the offence punishable under Sections 363 & 366A of the
Indian Penal Code and Section 8 of the Protection of Children
from Sexual Offences Act.

3. The allegation against the petitioner is that he along
with his family members have kidnapped the daughter of the
informant. It is alleged that petitioner would kill his daughter or
compel her to indulge in the prostitution.

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 victim, who is a major, eloped with the petitioner and only due to inter caste marriage, the parents of the victim instituted the present case with false allegation. From perusal of the First Information Report, it appears that the victim herself left the house voluntarily and came to the house of the petitioner. The victim disclosed her age to be 21 years as per *Aadhar Card*. It is also submitted that victim filed a Complaint case bearing Complaint Case No. C1-757 of 2023 against the informant and her family members, wherein, in her solemn affirmation, she had made statement that she eloped with the petitioner and when her parents came to know about elopement, her father threatened to kill her and on 27-03-2023, she herself went with the petitioner in a temple and performed marriage and is residing in a rented house with her husband Pawan Kumar and in-laws where her father came and again assaulted her, snatched her '*Mangalsutra*' and also stated that she wants to reside with her husband. Further, learned counsel submitted that other co-accused, namely, Suresh Thakur, Nitu Devi and Sunil Thakur have been granted anticipatory bail by this Court *vide* order dated 29.11.2023 passed in Cr. Misc. No. 76760 of 2023. Lastly, it has been



submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory 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 or surrender before the Court below within six weeks from today, the petitioner be released on 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 Additional Sessions Judge VI-cum-Special Judge, POCSO Act, Sitamarhi, in Dumra PS Case No. 177 of 2023, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure,1973.

7. The application stands allowed.

(Khatim Reza, J)

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