

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58170 of 2024

Arising Out of PS. Case No.-57 Year-2020 Thana- PAKRIDAYAL District- East Champaran

Uma Shankar Ram S/O Ganesh Ram R/O Village- Parsa, Ward No.-13, P.S-
Pakridayal, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyanka Singh, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-09-2024 Heard Ms. Priyanka Singh, learned counsel

appearing on behalf of the petitioner and Ms. Shaheen Begum,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Pakaridayal P.S. Case No. 57 of 2020 registered under
Sections 363, 366A of the Indian Penal Code, 1860.

3. As per the allegation made in the FIR, the
petitioner, along with other co-accused, had kidnapped the
minor daughter of the informant with an intention to marry.

4. Learned counsel appearing on behalf of the
petitioner submitted that the victim, in her statement recorded
under Section 164 of the Code of Criminal Procedure, as would
appear from the Impugned Order, has not supported the
allegation alleged in the FIR and she has also stated that she is



major and she on her own, had married with the petitioner and final form was submitted, considering the said fact. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the fact that the learned District Court has recorded in the Impugned Order that the victim has not supported the allegation made in the FIR, in her statement recorded under Section 164 of the Code of Criminal Procedure and at the same time, she has stated that she is major but in absence of the statement recorded under Section 164 of the Code of Criminal Procedure, as well as, the medical report, it would be proper to direct the learned District Court to verify from the medical report, as to whether, the victim is minor or not?

7. In case, the victim is found to be major and admitting the fact recorded in the Impugned Order that she has not supported the allegation made in the FIR, the learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned



District Court 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 7th Addl. Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Pakaridayal P.S. Case No. 57 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

Niraj/-
Ashishsingh/-

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