

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60190 of 2024

Arising Out of PS. Case No.-578 Year-2023 Thana- GARKHA District- Saran

Nitesh Kumar Son of Mantu Sah Resident of Sitalpur Kothi, P.S.- Dighwara,
District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raju Sah Son of Sri Bachcha Sah Resident of village- Rediya, P.S.- Garkha,
District- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Garkha P.S. Case No.578 of 2023 instituted under Sections
363, 366(A)/34 of the Indian Penal Code and Section 10 & 12
of POCSO Act.

3. The allegation against the petitioner is that he has
kidnapped the minor daughter of the informant with an intention
to marry her.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. The victim in her statement recorded under Section 164
Cr.P.C. has not made any allegation against the petitioner but



she has stated that she left her house at her own will and went to Haryana with the petitioner. Learned counsel further submits that both the parties have compromised the matter. The petitioner and the victim are adults and on their own will, they have solemnized the marriage on 21.04.2024. The petitioner has no criminal antecedent and he undertakes to co-operate in course of the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering 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/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Exclusive Special Judge, POCSO Act, Saran, Chapra in connection with Garkha P.S. Case No.578 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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