

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60173 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- Jai Bajrang District- East Champaran

1. Budhan Sah S/O Morkhun Sah @ Merkhun Sah R/O Vill.- Mahmada Chaubey Tola, P.S.- Jai Bajrang, Dist.- East Champaran.
2. Punam Devi W/O Budhan Sah R/O Vill.- Mahmada Chaubey Tola, P.S.- Jai Bajrang, Dist.- East Champaran.
3. Kishundeo Sah S/O Morkhun Sah @ Merkhun Sah R/O Vill.- Mahmada Chaubey Tola, P.S.- Jai Bajrang, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nand Kishor Sah S/O Shri Baldeo Sah R/O Vill.- Mahmada Chaubey Tola, P.S.- Jai Bajrang, Dist.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 16-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Jai Bajrang P.S. Case No. 18 of 2024 dated 12.06.2024 instituted
for the offence punishable under Sections 363, 366A of the Indian
Penal Code and Section 8 of POCSO Act.

3. The allegation against the petitioners is that they
kidnapped informant's minor daughter (victim) aged about 15
years for the purpose of her marriage to co-accused Guddu
Kumar.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there was love affairs between the victim and co-accused Guddu Kumar. Learned counsel for the petitioners submits that petitioner nos. 1 & 2 are the parents of Guddu Kumar and petitioner no. 3 is the uncle of Guddu Kumar. The statement of the victim was recorded under Section 164 Cr.P.C. in which she has not whispered a word against the petitioners rather she stated that she herself went with one Vinod Kumar. There is no specific allegation against the petitioners, rather, the allegation against the petitioners are general and omnibus. Learned counsel for the petitioners further submits that the date of occurrence is 04.05.2024 but the F.I.R. has been lodged on 12.06.2024 without any plausible explanation for delay. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and the statement of the victim recorded under Section 164 Cr.P.C. and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Jai Bajrang P.S. Case No. 18 of 2024, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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