

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64241 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Manish Kumar Son of Ramlal Sahni R/O Vill.- Pakridayal, Ward no. 04, P.S.-
Pakridayal, Dist.- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Chanda Devi Wife of Ram Jeevan Sahni R/O Vill.- Pakridayal, Ward no. 04,
P.S.- Pakridayal, Dist.- East Champaran.

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s :	Mr.Sanjay Kumar Tiwary, APP
For the Informant :	Mr.Ajay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State duly assisted by Mr.

Ajay Kumar Tiwary, learned counsel for the informant.

2. Petitioner seeks bail in connection with Session
Trial Case No. 53 of 2024 (arising out of Pakridayal P.S. Case
No. 27 of 2024) registered for the offences under Sections
363, 365, 366A and 34 of the Indian Penal Code and Section
4 and 8 of the POCSO Act.

3. The petitioner is named named in the First
Information Report and is in custody since 08.06.2024.

4. Allegation against petitioner is to kidnap the
daughter of the informant for purpose of illicit
intercourse/marriage.



5. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner falsely implicated with the present case as initially, love affairs of the petitioner with the daughter of the informant was not approved by her family members/parents. It is submitted that victim in her statement as recorded under Section 164 of the Cr.P.C., categorically stated that she has solemnized marriage with the petitioner out of her own sweet-will and living together as wife and husband. It is further submitted that in view of statement of the victim no *prima-facie* case appears to be made out under Section 366A of the I.P.C.

6. In support of his submission, learned counsel referred legal report of Hon'ble Supreme Court as available through ***Sat Parkash v. State of Haryana***, as reported in ***(2015) 16 SCC 475***. It is submitted that allegation of any sexual assault is also not supported from the statement of the victim. While concluding argument, learned counsel submitted that petitioner is a man of clean antecedent.

7. Learned A.P.P. for the State duly assisted by Mr. Ajay Kumar Tiwary, learned counsel for the informant, while opposing the prayer of bail of the petitioner, affirmed the



factum of compromise and submitted that the victim daughter of the informant solemnized marriage with the petitioner now, which now approved by the parents of both sides and, thus, the matter appears compromised.

8. In view of aforesaid factual submission and by taking note of fact as victim daughter of the informant did not supported the factum of kidnapping or sexual assault while recording her statement under Section 164 of the Cr.P.C., accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO, East Champaran at Motihari/concerned court, in connection with Session Trial Case No. 53 of 2024 (arising out of Pakridayal P.S. Case No. 27 of 2024), subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J.)

Rajeev/-

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