

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66757 of 2024

Arising Out of PS. Case No.-119 Year-2022 Thana- SALAIYA District- Aurangabad

Sanni Kumar @ Vishwajit Kumar, Son of Upendra Singh, R/O Village + P.S.-
Salaiya, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Leelawati Kumari, Advocate
		Mr.Aman Vishal, Advocate
For the Opposite Party/s :		Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Salaiya P.S. Case No.119 of 2022, registered for the offences under Sections 363, 366A/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and other co-accused person kidnapped the minor daughter of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged after five days of the alleged occurrence and this creates doubt over the prosecution case. In



fact, the daughter of the informant is not minor and she was in love with the petitioner and both of them solemnized marriage and they have been living happily. An affidavit has been filed by the victim girl wherein she has stated that her age was 21 years. The learned counsel further submits that the matter has been compromised and a compromise petition has been filed on behalf of the parties before the court of learned Sessions Judge, Aurangabad. The learned counsel further submits that the petitioner is aged about 24 years and is having clean antecedent.

5. The learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that in the rejection order, the date of birth of the victim girl is stated as 17.12.2005 and the date of occurrence is 06.11.2022 and, hence, on the date of occurrence, the victim girl was minor.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the voluntary nature of act of the victim girl and also her age when a girl develops sufficient maturity and further considering the possibility of false accusation, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail,



on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Exclusive Judge (POCSO), Aurangabad, in connection with Salaiya P.S. Case No. 119 of 2022, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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