

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66173 of 2023

Arising Out of PS. Case No.-539 Year-2022 Thana- MAHUA District- Vaishali

Rahul Kumar, aged about 21 years, Son of Arun Chaudhary, Resident of Village- Mohanpur Dhanraj P.S.- Mahua District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Surendra Kishore Thakur,, Advocate
For the Opposite Party/s :	Mr. Raj Kishor Singh, APP
	Mr. Satya Prakash Parasar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

5 26-02-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Mahua PS Case No. 539 of 2022 instituted for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant was kidnapped with an intention to kill or wrong act by the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. It is further submitted that in fact this is a matter of love affairs. Petitioner and victim were friended and due to love affairs she went with the petitioner. He



further submits that the occurrence took place on 20.08.2022 and the FIR was lodged on 23.08.2022 after three days delay and there is no plausible explanation in this regard. Petitioner has got clean antecedent as stated in para-3 of the petition.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail.

6. From perusal of the FIR, case diary, statement recorded under Section 164 of the Cr.P.C. and impugned order of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Vaishali at Hajipur dated 22.08.2023, it appears that petitioner has named in the FIR and there is no allegation against the petitioner regarding sexual assault and the only allegation against the petitioner is extortion and kidnapping. Meanwhile, learned counsel for the parties have produced a photo copy in this regard, in which it is stated that no role regarding kidnapping of victim and only on the basis of suspicion she has filed this case. Petitioner is in custody since 27.06.2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO,



Vaishali at Hajipur in connection with Mahua PS Case No. 539
of 2022.

(Ramesh Chand Malviya, J)

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