

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66203 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- SOHSARAI District- Nalanda

Saurav Kumar @ Golu Kumar @ Golu, (Male), aged about 21 years, Son of
Kishto Tanti @ Kisko Tanti, Resident of Mohalla - Jamalpur, Post and Police
Station - Sohsarai, District – Nalanda.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party : Mr. Uma Shankar Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 25-01-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with POCSO Case No. 70 of 2023, arising out
of Sohsarai P.S. Case No. 145 of 2023 registered for the
offences punishable under Sections 363, 366A of the I.P.C.
and Sections 8/12 of the POCSO Act.

4. As per the prosecution case, the petitioner is
alleged to have kidnapped the minor daughter of the



informant by enticing her for the purpose of marriage.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there was love affair between the petitioner and the daughter of the informant and the victim herself left the house out of her own will and nobody had kidnapped her for any purpose. It is further submitted that both had solemnized marriage to each other and when she returned back from her matrimonial house, police caught her and her statement under Section 161 of Cr.P.C. has been recorded in which she has stated that she was in love with the petitioner for last four years and on 29.04.2023, she solemnized marriage with the petitioner in the temple. It is further submitted that in her statement recorded under Section 164 of Cr.P.C., she has reiterated the same as of 161 of Cr.P.C. It is further submitted that the occurrence has taken place on 29.04.2023 whereas the F.I.R. has been registered on 13.05.2023 after lapse of fifteen days for which no explanation has been given by the prosecution. There is nothing on record to show that the victim was forced to illicit relationship with



any of the person. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Biharsharif, Nalanda, in connection with POCSO Case No. 70 of 2023, arising out of Sohsarai P.S. Case No. 145 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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