

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68192 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- SONBERSHA RAJ District- Saharsa

Lalit Kumar, Aged about 20 yeas, Male, Son Of Maheshwari Yadav, Resident
Of Village- Maina Ward No. 2, P.S.-Sonbarsha Raj, Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. X NA NA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suman Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Dinesh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 04-03-2024 Heard learned counsel appearing on behalf of
the parties.

2. The petitioner seeks bail in connection with
Sonbarsa Raj P.S. Case No.-142 of 2022 registered for the of-
fence under Sections 363 and 366(A)/34 of the Indian Penal
Code and Sections 8 and 12 of the POCSO Act, 2012.

3. As per the prosecution case that on
08.06.2022, the informant minor daughter aged about 15 years
went missing and thereafter he tried to hectic search at his own
level and came to know that his neighbours had kidnapped her
daughter with intention to unlawful marriage and it is further al-
leged that when he went to their house, the co-accused Mahesh-



wari Yadav and Umiya Devi had assaulted him and threatened him with dire consequences.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case. He next submits that victim is a major girl and from her free will, she and petitioner developed intimacy and due to love affair, they live with their respective houses. Petitioner has got clean antecedent and he is in custody since 25.03.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. On perusal of the first information report, impugned order dated 02.08.2023 and also the statement of the victim recorded under Section 164 of the Cr.P.C, it appears that the statement of the victim and other close relative, the victim stated that she has gone with the petitioner by her own sweet-will and no kidnapping occurred and when the victim got to know about the case implicated on the petitioner, she came back from Gujrat and there is no allegation of sexual assault upon her. It also appears that there is delay of eleven days of lodging of the FIR and no satisfactory explanation from the informant, in these circumstances, let the above named petitioner be directed to be released on bail in connection with Sonbarsa Raj P.S. Case



No.142 of 2022 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Special Judge, POCSO, Saharsa.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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