

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70620 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- SUGAULI District- East Champaran

Radhe Shyam Kumar Son of Ramashray Singh R/o vill - Shripur Rampur,
P/S. - Sugauli, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 27-02-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is not named in the F.I.R. and apprehending his arrest in connection with Sugauli P.S. Case No. 3 of 2023 registered for the offences punishable under Sections 363, 366 A, 504 and 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.
3. The allegation against the petitioner is to abduct the minor daughter of informant aged about 14 years for the purpose of marriage against her will.
4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated with the present case out of village politics as daughter of



informant was in love affairs with younger brother of petitioner, who is from different community. It is also submitted that same fact also appears supported by independent witness and in this connection he referred para nos. 82, 83 and 84 of the case diary. It is further pointed out that petitioner was named first time out of statement of victim as recorded under Section 164 of the Cr.P.C., where before recording her statement she was accompanied with her parents and as such tutoring of statement cannot be ruled out. It is also pointed out that even from the statement of victim as recorded under Section 164 of the Cr.P.C. sexual intent cannot be gathered, making entire allegation false on its face. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

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

6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as victim denied sexual intent, *qua*, petitioner through her statement as recorded under Section 164 of the Cr.P.C., accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees



Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge, 6th cum Special Judge, (POCSO) East Champaran at Motihari/concerned Court below where the case is pending in connection with Sugauli P.S. Case No. 3 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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