

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73606 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- RAMNAGAR District- West Champaran

SUMAN YADAV Son of Bachcha Yadav Resident of village - Virkahani,
Police Station - Ram Nagar, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MS. Fulmati Devi, W/o Shivlochan Yadav, R/o Village-Saraharawa, P.S.-
Ramnagar, District-West Champaram.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

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

ORAL ORDER

5 08-04-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with
Ramnagar P.S. Case No. 184 of 2023 instituted for the offences
punishable under Sections 363, 366A/34 of the Indian Penal
Code and Section 8 and 12 of the POCSO Act.

3. As per FIR, the allegation against the petitioner is
that he along with other accused persons abducted the minor
daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. The victim girl has already
been recovered and her statement was recorded u/s 164 of



Cr.P.C. wherein she stated her age about 19 years and she has not raised any finger against the petitioner for any overt act. The petitioner willfully surrendered before the learned court below on 28.07.2023 and since then he is languishing in judicial custody.

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

6. From perusal of the F.I.R., impugned order dated 01.09.2023, case diary along with statement of the victim recorded u/s 161 and 164 of Cr.P.C., it appears that on the basis of written report of the informant F.I.R. registered against six accused persons including the present petitioner. Allegation against the petitioner is of abducting the minor daughter of the informant but the victim girl was recovered and her statement was recorded u/s 164 Cr.P.C. by the learned Judicial Magistrate wherein she has stated her age about 19 years. She has specifically stated that she went to the house of the petitioner with her own sweet will and thereafter she went with the petitioner to Gorakhpur where they were living as a husband and wife. She has already solemnized court marriage with the petitioner in Kushinagar. She has not stated about any sexual assault or physical misbehave against the petitioner.



7. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner 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 District and Sessions Judge 7th-cum-Special Judge, POCSO, West Champaran at Bettiah in connection with Ramnagar P.S. Case No. 184 of 2023.

(Ramesh Chand Malviya, J)

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