

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79097 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- PIPRA District- East Champaran

SUMESH KUMAR @ AADITYA S/O RAMAWATAR BHAGAT R/O VILL-
BISHUNPURA, WARD NO.11, PS-PIPRA, DISTRICT-EAST
CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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

ORAL ORDER

2 11-01-2024 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 a case in

connection with Pipra P.S. Case No. 253 of 2023 dated

15.08.2023 registered for the offence/s punishable u/ss 363 and

366A of the Indian Penal Code and 8 POCSO Act.

4. As per the prosecution case, the petitioner and the

co-accused persons are alleged to have kidnapped the minor

daughter of the informant by showing deadly weapon.



5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. There is a delay of five days in lodging the FIR. There is love affair between the petitioner and the victim girl. There is nothing on record which shows that the victim was forced to have illicit intercourse with another person. The victim in her statement recorded under section 164 of the Cr. P.C. has stated that no one had kidnapped her and she solemnized marriage with the petitioner of her own will and presently she is living with him. The petitioner has no criminal case as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and stated that the victim is a minor girl.

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 bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Motihari, East Champaran in connection with Pipra P.S. Case No. 253 of 2023, subject to conditions 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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