

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77490 of 2023

In
CRIMINAL APPEAL (SJ) No.4195 of 2023

Arising Out of PS. Case No.-63 Year-2022 Thana- MAHILA P.S. District- Madhepura

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Gautam Kumar Singh @GAUTAM Kumar Son of Pramod Singh @ Pramod Kumar Singh Resident of Village- Israin Bela, Ward No. 13, PS- Shrinagar, Distt- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kajal Kumari Daughter of Suttan Paswan Resident of Village- Israin Kala, Ward No. 4, Tola Goth, Ps- Kumar Khand, Dist- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 10-01-2024 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 Mahila P.S Case No. 63 of 2022 dated 14.12.2022 registered for the offence punishable u/ss 341, 323, 376, 504, 506 of the Indian Penal Code and 4/6 POCSO Act and 3(i)(r)(s)(w), 3(ii)(va) of SC/ST 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 on the pretext of marriage.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that petitioner is not named in the F.I.R. rather the name of the petitioner has surfaced during the course of investigation. The victim in her statement recorded under Section 164 Cr.P.C. has stated that the allegation of rape is against co-accused Dheeraj Kumar Singh. It is further submitted that the name of the petitioner has been roped in this case only because he is cousin brother of the main accused Dheeraj Kumar Singh, except that nothing has come against the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhepura in connection with Mahila P.S Case No. 63 of 2022, 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)

Nilmani/-

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