

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80977 of 2023

Arising Out of PS. Case No.-445 Year-2022 Thana- JOGAPATTI District- West Champaran

Bittu Kumar Son Of Munna Prasad Village Naurangabag, Police Station-
Bettiah Town, District- West Champaran

... .. Petitioner/s

Versus

1.The State of Bihar
2. Ashok Prasad (Male) aged about 40 years, son of late Nagina Mahto,
Resident of village- Sirisiya, P.S. Jogapatti, Dist. West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anant Kumar Mishra, Adv.
For the Opposite Party/s	:	Mrs. Meena Singh, APP
For the Informant	:	Mr. Sarvesh Kashyap, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 22-05-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail in connection with
Yogapatti PS Case No. 445 of 2022, dated 18-08-2022,
instituted for the offence punishable under Sections 363,
366(A), 504, 506/34 of the IPC and Section 12 of the POCSO
Act.

3. As per the prosecution case, while the daughter of
the informant was returning from her school after flag hoisting
then all of a sudden, the petitioner has abducted her for the
purpose of marriage and when the informant went at the door of



the petitioner to talk about the same, then rest of the accused persons, named in the FIR, started abusing the informant and drove her away and also threatened her to kill.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case. After recovery, the statement of the victim girl has been recorded under Section 164 Cr.P.C. wherein, she herself accepted that she was in love with the petitioner and she has solemnized marriage with him in a temple and they also planned to solemnize marriage as per the Hindu rites and rituals after completing the age of 18 years. She has further stated that nothing wrong has been committed against her. It is further submitted that now the matter has been settled between the parties amicably and the date was fixed for marriage on 06-03-2024 and due to incarceration of the petitioner, the marriage was not solemnized. It is submitted that as per School Transfer Certificate, the age of the victim is seventeen and half years. Now, she has become major. The petitioner is in custody since 23-09-2023 having no criminal antecedents.

5. Learned counsel for the informant and learned APP for the State have not opposed the prayer for bail. Learned counsel for the informant has supported the case of the



petitioner and stated that the victim is living in her matrimonial house along with the parents of the petitioner and informant did not want to pursue the matter further.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge POCSO-cum- Additional District Judge- VIth, Bettiah, West Champaran, in Yogapatti PS Case No. 445 of 2022.

(Khatim Reza, J)

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