

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81283 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- HASPURA District- Aurangabad

Govind Kumar Son Of Faudar Mahto R/O Village- Makhara Tola, Ayodhya
Bigha, P.S.- Daudnagar, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 366(A) of the Indian Penal Code.

3. Allegation against the petitioner is that he abducted the daughter of the informant on the pretext of solemnization of marriage when she went to attend her coaching class.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to enmity as both parties are neighbour. There is delay of 18 days in lodging the FIR without explaining the same. As per the statement of the victim under Section 161 of the Cr.P.C. in which she stated that she



went out with this petitioner to Surat out of her own sweet will and she pressurized the petitioner to leave the house. Further she stated that she solemnized marriage with this petitioner in Surat whereas in her statement recorded under Section 164 of the Cr.P.C in which she totally tutored her statement and said that this petitioner committed sexual relation with her. There is a major difference in both the statements of the victim. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. It is further submitted that she has not raised any alarm to release her from the clutch of the petitioner while she was solemnizing marriage with the petitioner. Medical report of the victim has also not been corroborated with the prosecution version. Moreover, he is languishing in judicial custody since 21.08.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that petitioner is named in FIR.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Haspura P.S. Case No. 231



of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Aurangabad.

(Sunil Kumar Panwar, J)

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