

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84850 of 2024

Arising Out of PS. Case No.-243 Year-2023 Thana- BARGAINIA District- Sitamarhi

Sonu Kumar Son of Surendra Kumar @ Surendra Sah Resident of Village -
Kharua, P.S. - Kundawa Chainpur, District - East Champaran

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Ms. XX Daughter of Rupesh Kumar Mintu Resident of Patel Tola, Ward No.
14, P.S. - Bairgania, District - Sitamarhi

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Anshuman Singh

For the Opposite Party/s : Mr.Brajendra Nath Pandey

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

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bairgania P.S. Case No. 243 of 2023 dated 13.10.2023
registered for the offences punishable under Sections 366A and
372 read with Section 34 of the I.P.C. and Section 8 of the
POCSO Act.

3. As per the prosecution case, on 13.10.2023, when
the minor daughter of the informant went to coaching, the
petitioner kidnapped her for the purpose of marriage or for
doing some illegal act.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The victim in her statement recorded u/s 164 of the Cr.P.C. has not supported the prosecution case rather she has stated to be married with the petitioner but during the course of hearing on bail petition the victim appeared physically and stated that she was not married with this petitioner and she did not remember her statement given u/s 164 of the Cr.P.C. There is nothing on record which shows that the victim was forced or seduced to have illicit intercourse with another person. The other co-accused person has already been granted bail by this court *vide* order dated 25.06.2024 passed in Cr. Misc. No. 30369/2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 13.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to 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 learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Sitamarhi in



connection with Bairgania P.S. Case No. 243 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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