

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.82766 of 2023

Arising Out of PS. Case No.-268 Year-2023 Thana- PAHARPUR District- East Champaran

DILIP KUMAR @ CHUNNI KUMAR @ CHUNNI KUMAR YADAV Son
of Yogendra Yadav R/o vill - Kamalpipra, P.S. - Paharpur, Distt. - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

Mr. Hemant Ray, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 07-03-2024 Heard Mr. Hemant Ray, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is apprehending his arrest in connection with Paharpur P.S. Case No. 268 of 2023 for the offence under Sections 363 and 366(A) of the I.P.C. and under Sections 8 and 12 of the POCSO Act, lodged on 15.07.2023 by the informant, Kamal Pal.

3. As per the prosecution story, the informant has alleged that this petitioner kidnapped his minor daughter, this followed the panchayati and the daughter had returned. However, once again on 12.07.2023, the petitioner kidnapped the girl, which followed the FIR.

4. Learned counsel for the petitioner submits that the girl earlier went on her own, returned and later due to the attitude of the family members, again left the place on her own, stayed with the boy and as per her own statement under 164



Cr.P.C. which she gave after returning, she was residing with the petitioner herein and subsequently got married. It is his further submission that to his knowledge the girl declined to go to her parent's home and wanted to go to her in-laws house but considering the fact that she is minor, presently she is stationed at Motihari.

5. Learned APP opposes the prayer stating that no such thing is on record.

6. This Court has gone through the submissions put forward by the learned counsel for the petitioner regarding the statement made by the girl under 164 Cr.P.C, as stated above and considering the same to be true as also the fact that the boy is only of 20 years of age, do not have any criminal antecedent and is a student, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. If, however, it is found that the statement/submission made by the learned counsel for the petitioner, as stated above is untrue, the relief granted shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) each with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Paharpur P.S. Case No. 268 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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