

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5645 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- KORMA District- Sheikhpura

Subesh Kumar S/O Nandlal Mahto Village- Bhadausi, Ps. Korma, Dist. Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rizwanul Haque, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Korma P.S. Case No. 70 of 2023 dated 03.05.2023 instituted for the offence punishable under Sections 366(A), 504, 506 of the Indian Penal Code and 8 POCSO Act.

3. The prosecution case, in short, is that on 25.03.2023 at about 1 am, the brother of the petitioner, namely, Awadh Kumar enticed away the informant's minor daughter/victim. Allegation against the petitioner and his family members is that they threatened the informant and his son with dire consequences, if they will lodge the case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that the petitioner is full brother of accused Awadh Kumar. The petitioner is government employee in Western Railway at Megh Nagar Railway Station, District Jhabui, Madhya Pradesh as a Ticket Collector cum Goods Commercial Clerk. Learned counsel for the petitioner submits that the occurrence took place on 25.03.2023 when the victim fled away with the accused Awadh Kumar, but in this connection, the First Information Report was lodged on 03.05.2023 with 39 days delay without any explanation. It is also submitted that as per the F.I.R., it is also disclosed that earlier also, the victim left her house with Awadh Kumar and came back to her parental house. On this reason, he gave a Fardbeyan before Korma Police Station and thereafter filed a petition before Korma police station that the earlier Fardbeyan may kindly be cancelled. Learned counsel for the petitioner further submits that family members of the Awadh Kumar have been wrongly made accused in this case. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Korma P.S. Case No. 70 of 2023, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VI, Shiekhpora subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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