

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56483 of 2024

Arising Out of PS. Case No.-77 Year-2022 Thana- MAHILA P.S. District- Samastipur

Vikash Kumar @ Vikash Kumar Kewat, aged about 23 years, Male, Son of Raju Kewat, Resident of village- Garsishai Ghat, Police Station - Vidyapati Nagar, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi wife of Bhuvneshwar Kewat Village- Garsishai Ghat Ps- Vidyapati Nagar Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-01-2025 Heard Mr. Mahendra Pratap, learned counsel appearing on behalf of the petitioner and Mr. Uma Shankar Prasad Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Samastipur Mahila P.S. Case No. 77 of 2022, arising out of Complaint Case No. 167 of 2022 registered for the offence punishable under Sections 366A, 341, 323, 504 of the Indian Penal Code read with Section 4 of the POCSO Act.

3. As per the allegation made in the FIR, petitioner along with other accused persons, had kidnapped the daughter of the complainant with an intention to commit wrong with her.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has just emerged as an adult



and is aged about 23 years and he was in love relationship with the daughter of the informant though he was not conscious of the fact that she has not attained her majority. Both daughter of the complainant, as well as, the petitioner were also unaware of the stringent provision of POCSO Act and it is well known that the petitioner was emerging as an adult and was going through several psychological and physiological change in his body. The victim has nowhere alleged in her statement recorded under Section 164 Cr.P.C. that the petitioner, in any manner, has forcibly kidnapped her and committed any sexual assault, rather, she has given declaration before the concerned magistrate that she, on her own, went to Delhi and remained at his sister's house and she used to have relationship with the petitioner. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. I appreciate the reason given by the learned counsel appearing on behalf of the petitioner that the petitioner has just emerged as an adult and he was in love relationship with the daughter of the complainant, who too has supported the said fact under statement recorded under Section 164 Cr.P.C. and she has



also stated that she, on her own, had eloped with the petitioner. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI cum Special Court (POCSO), Samastipur, in connection with Samastipur Mahila P.S. Case No. 77 of 2022, arising out of Complaint Case No. 167 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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