

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57167 of 2024

Arising Out of PS. Case No.-864 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Sukesh Kumar Yadav Son Of Manu Yadav Village- Chitaha, Ps- Banjaria,
Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gidda Manjhi S/o Late Ugad Manjhi R/o vill - Chitaha, P.S. - Banjaria,
Distt. - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-01-2025 Heard Mr. Rajeev Ranjan, learned counsel

appearing on behalf of the petitioner and Mr. Ram Priya Sharan

Singh, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Turkaulia (Banjaria) P.S. Case No. 864 of 2023 registered
under Section(s) 363, 366(A), 34 of the Indian Penal Code and
Sections 4/8 of the POCSO Act.

3. As per the allegation made in the FIR, the petitioner
had kidnapped the minor daughter of the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that the statement of the victim girl was
recorded under Section 164 of Code of Criminal Procedure, in



which she had stated that on the promise of marriage, the victim had accompanied with the petitioner, however, he admitted that at the time of the alleged incident the victim was minor. Learned counsel further submitted that the petitioner is aged about 23 years and has just emerged as an adult and both the petitioner and the victim have admitted that they were in a love-relationship. He further submitted that the victim must have been tutored by her parents to deny that she willingly stayed with the petitioner. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on bail.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the petitioner and the victim were in love-relationship and the victim in her statement recorded under Section 164 of Code of Criminal Procedure had accepted that she herself was willing to marry with the petitioner and had accompanied him. Considering the age of the petitioner and the victim, I find that both the petitioner and the victim, due to their age, were undergoing through physical and psychological changes, as well as, there was natural attraction between them, as such, the petitioner has,



prima facie, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Turkaulia (Banjaria) P.S. Case No. 864 of 2023, 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.)

Ashishsingh/-

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