

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60978 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- RAMGARHWA District- East Champaran

Akash Kumar S/O- Ragho Mahto Vill - Mishrauliya, P.S. - Ramgarhwa, Dist - East Champaran

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Pramod Thakur son of Harendra Thakur Village- Mishrauliya Ps- Ramgarhwa Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 05-03-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail has

been filed by the petitioner apprehending his arrest in a case

instituted for the offence punishable under Sections 363,

366(A), 376, 120(B)/34 of the Indian Penal Code and

Sections 4, 6 of POCSO Act.

3. Allegation against the petitioner is that when

minor daughter of the informant went to attend the call of

nature, petitioner abducted her for the purpose of

solemnization of marriage.



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. There is inordinate delay of more than one month in reporting the matter. It is further submitted that victim girl has been recovered and recorded her statement, u/s 164 Cr.P.C. in which she has clearly stated that she was in relationship with the petitioner for the last seven years and on the alleged date of occurrence, she voluntarily left her maternal house, went to Punjab where she solemnized marriage with the petitioner on 21.10.2023 and now she is carrying pregnancy of about five months. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

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

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above as well as from perusal of copy of statement of victim, recorded u/s 164 Cr.P.C., it appears that she has specifically stated that on 17.10.2023 she was at his maternal uncle's house



from where she fled and went to Punjab. There she called the petitioner and she went with him to his quarter. Again she has stated on her behest that both solemnized marriage on 21.10.2023. After considering the entire statement of victim, it clearly transpired that the allegation against the petitioner is not getting prima-facie substantiated. After considering the above noted facts, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Ramgarhwa P.S. Case no. 53 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VII-cum-Special Judge, POCSO Act, Motihari, East Champaran, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

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