

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62565 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- CHANPATIA District- West Champaran

Dipu Kumar @ Deepu Kumar son of Late Timal Mahato Village- Sabeya
Khurd PS- Sirisiya District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabita Devi wife of Omprakash Mahto Village- Sabeya Khurd PS- Sirisiya
Op, chanpatiya, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Manoj Kumar, APP
For Opposite Party No.2	:	Mr. Sanjeev Kumar, Advocate
		Md. Dilshad Alam, Advocate
		Ms. Bharti Rai, Advocate
		Mr. Sitesh Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 323, 307, 384, 376, 366A, 354A and 504 of the Indian Penal Code and Sections 4 and 8 of the POCSO Act.

3. As per prosecution case, it is alleged that this petitioner, with the help of other accused persons named in the F.I.R., kidnapped minor daughter of informant for the purpose of marriage. It is further alleged that on 10.12.2023 at about 10 AM when the informant's daughter did not return, informant went to the house of accused persons with her husband, son,



father-in-law and some other persons where all the accused persons threatened and abused the informant and others.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has falsely been implicated in this case. As a matter of fact, daughter of informant was a major and left her house out of her own sweet will in the background of love affair with this petitioner and thereafter, both of them got married to each other. Initially the informant and her family members did not accept the relationship but later on they accepted their relationship and an Ekarnama to that effect was also prepared in a Panchayati on 07.12.2023. Subsequently, this petitioner and the so-called victim were going with son of informant, namely Abhinandan Mahato, to get the Aadhar Card corrected on 19.12.2023 and all of a sudden, son of informant picked up pistol from his waist and shot fires upon this petitioner and his wife for which a case bearing Chanpatiya P.S. Case No. 754 of 2023 was also lodged against son of informant and after about 2 months of the said occurrence, the present case has been lodged only with a view to create pressure upon the petitioner. As a matter of fact both daughter of informant and this petitioner are married and are living together as husband and wife. Petitioner claims clean



antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation, materials available on record and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 6th-cum-Special Judge POCSO, Bettiah, West Champaran, in connection with Chanpatiya P.S. Case No. 79 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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