

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66906 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- RAIYAM District- Darbhanga

MD PHOOL BABU SON OF MD KAMRUDDIN @ MD QAMRUDDIN
RESIDENT OF VILLAGE /MOHALLA - RAIYAM, P.S. - RAIYAM,
DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

- 1 . THE STATE OF BIHAR
- 2. VINA DEVI WIFE OF TRIPIT PASWAN RESIDENT OF VILLAGE - RAIYAM, P.S. - RAIYAM, DISTRICT - DARBHANGA
- 3 . GUDIYA KUMARI @ GURRIYA KUMARI WIFE OF MD. PHOOL BABU, DAUGHTER OF LATE TRIPIT PASWAN RESIDENT OF VILLAGE - WARD NO.2, RAIYAM, P.S. - RAIYAM, DISTRICT - DARBHANGA

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Kedar Jha, Advocate
For the Opposite Party/s : Mr. Binay Krishna, APP
For informant : Mr. Maya Shankar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-03-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner apprehends his arrest in connection
with Raiyam P.S. Case No. 11 of 2023 registered under Sections
363, 366A, 341, 323, 354, 504, 506, 34 of the Indian Penal
Code, Section 4/6 of the POCSO Act and Sections 3(1)(r)(s) of
SC/ST (POA) Act.



3 . As per the prosecution case , victim (aged about 16 years) went along with daughter-in -law of informant for call of nature , when they reached at Gahwar place then this petitioner along with his two friends came there in Scorpio vehicle and forcibly took away the victim on said vehicle .

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case . There was love affair between the victim and petitioner and out of love both of them fled away and solemnized marriage and they are living together as husband and wife . The victim in her statement recorded under Section 164 Cr PC has denied the factum of kidnapping. Victim is major.

5 . Learned counsel for the victim does not dispute the contention made on behalf of the petitioner.

6. Having considered the statement of the victim under Section 164 and other circumstances of the case , let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge (POCSO), Darbhanga in connection with Raiyam P.S. Case No. 11 of 2023 , subject to



the conditions as laid down under Section 438(2) of the Cr. P.C .

(Prabhat Kumar Singh, J)

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