

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69097 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- CHIRAIYA District- East Champaran

Suman Kumar Sahani S/o Ambika Sahani R/o Village- Semra, P.S.- Chiraiya,
District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Radhika Devi W/o Awadhesh Sahani R/o vill - Semra, P.S.- Chiraiya, Distt. -
East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

5 24-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 366(A)/34 of the Indian Penal Code and Section 4/8 of the POCSO Act.

3. The First Information Report has been lodged by the mother of the victim girl by stating that the petitioner along with others had kidnapped his daughter and had taken her away with the purpose of marriage.

4. Learned counsel for the petitioner submits that there is not an element of truth in the FIR which has been lodged after an unexplained delay of 11 days. As a matter of fact, there was a love relationship between the petitioner and the



daughter of the informant and after recovery of the victim girl, her statement under Section 164 of the Cr.P.C. has also been recorded. A perusal of the said 164 Cr.P.C. statement of the victim would go to show that she has herself disclosed her age to be 19 years and the court has also assessed her age to be between 18-19 years. She has admitted that on 20.12.2023, she had herself called the petitioner to a temple and had gone voluntarily without any threat and coercion and had solemnized marriage with the petitioner and went to Nepal along with him. She has further stated that only when she came to know that her mother had filed the case against her husband and in-laws, she came back and she has very categorically stated that she had not been kidnapped by anyone and since she is in love with the petitioner and has also married with her, she wants to stay with him.

5. Learned APP for the State and learned counsel for the has opposed the application for anticipatory bail.

6. Taking into consideration the categoric statement of the victim girl made in her statement under Section 164 Cr.P.C. and also taking into account her age coupled with the fact that the petitioner has no criminal antecedent, let the above named petitioner in the event of his arrest or surrender before the



learned Court below within a period of four weeks from today,
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 the learned court below where the
case is pending/successor court in connection with Chiraiya P.S.
Case No. 02 of 2024, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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