

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76090 of 2024

Arising Out of PS. Case No.-140 Year-2022 Thana- MAHILA P.S. District- Patna

Abhimanyu Kumar Son of Arjun Kumar @ Arjun Paswan Village
-Sammampur Post -Futuha PS -nadi Distt -patna

... .. Petitioner/s

Versus

1. The State of Bihar bihar
2. Rajkumar Paswan Son of Ram Kishun Paswan village- Govindpur, Post and
ps- Fatuha, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr.Kundan Kumar Ojha, Adv. Mr. Dhananjay Kumar, Adv. Mr. Navneet Prashakar, Adv. Mr. Neelmani Raj, Adv.
For the Opposite Party/s :		Mr.Anant Kumar 1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 14-02-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mahila P.S. Case No. 140 of 2022 dated 22.11.2022 registered for the offences punishable u/ss 366A, 376 read with Section 34 of the Indian Penal Code and Section 4 of the POCSO Act and Section 4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner is alleged to have kidnapped the minor daughter of the informant after luring her and got married with her in Balanath Temple.



The petitioner kept the informant's daughter full day and left her on the road in front of the informant's house. It is further alleged that on 10th November, the petitioner took the informant's daughter in a hotel where he committed wrong with her and left her in front of the informant's house. It is further alleged that when the informant's side went to the house of Arjun Paswan who is the father of the petitioner then the mother and sister of the petitioner denied to keep her daughter and the mother of the petitioner told the informant that we would keep his daughter if he fulfilled their demands i.e. Rs. 5 lacs in cash, 5 tola jewellery and one house otherwise they would not keep her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The date of occurrence took place on 10.11.2022 but the F.I.R. was lodged on 22.11.2022 after the delay of 12 days without any explanation. There was a love affair between the informant's daughter and the petitioner. It is further submitted that the victim in her statement recorded under Section 164 of the Cr.P.C. has stated that the petitioner and the victim have solemnized marriage in the temple. Learned counsel has further submitted that the informant and the petitioner entered into a compromise and settled the dispute amicably and accordingly, a



compromise petition dated 24.07.2024 (at Annexure- P) was also filed before the A.D.J. -VI-cum-Special Judge, POCSO Court, Patna. As per the medical report, no mark of violence was found on the private part of the victim. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 06.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the anticipatory bail application of the petitioner earlier rejected by this court vide order dated 01.02.2024 passed in Cr. Misc. No. 85844 of 2023.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna in connection with Mahila P.S. Case No.140 of 2022 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of



the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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