

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78579 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- PIPRA District- East Champaran

SHYAM SUNDAR KUMAR @ SHYAM SUNDAR SAH Son of AJIT KUMAR SAH @ AJIT SAH RESIDENT OF -JAMUNIYA, PS.- PIPRA, DISTRICT- EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Kumar Son of Aasdeo Patel RESIDENT OF -JAMUNIYA, PS.- PIPRA, DISTRICT- EAST CHAMPARAN, MOTIHARI

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-01-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 363 and 366A of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, all the F.I.R. named accused persons, including this petitioner, forcibly kidnapped the minor daughter of informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. As a matter of fact, the victim, in her statement recorded under Section 164 Cr.P.C., has denied the factum of kidnapping



and has stated that she left her house at her own volition and she has stated her age as 17 years. In this connection, learned counsel for the petitioner has placed reliance upon order of the Division Bench of this Hon'ble Court dated 23.09.2010 in *Cr.W.J.C. No. 991 of 2010 (Sahebi Khatoon @ Sahebi Versus State of Bihar and other)* wherein this Court has directed to treat a girl as major in case her age assessed to be between 16 to 17 years. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the statement of the victim recorded under Section 164 Cr.P.C., the law laid down by this Court 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 7th District and Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari, in connection with Pipra P.S. Case No. 93



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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