

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85172 of 2024

Arising Out of PS. Case No.-197 Year-2023 Thana- MADANPUR District- Aurangabad

Shashi Kumar S/O Raj Kumar Thakur R/O Dadhapi, P.S.- Madanpur, Dist.-
Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arun Kumar S/O Sidheshwar Ram R/O Vill.- Areki Kala, P.S.- Madanpur,
Dist.- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 18-04-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Madanpur P.S. Case no.197 of 2023 registered under
Section 366A and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the informant states
that on 29.04.2023, his minor daughter went out to the market
but did not return. She was searched but she was traceless.
Thereafter, the informant got information that the petitioner
kidnapped his daughter in order to marry her.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. The



allegations against the petitioner are false and concocted. The occurrence had taken place on 29.04.2023 and the present F.I.R was lodged on 04.05.2023 i.e. after a delay of six days despite the fact that it has been disclosed in the F.I.R that the informant got the knowledge that it was the petitioner who had kidnapped the victim girl. He further submits that it is the case of love affair between the petitioner and the daughter of the informant and the same would also be demonstrated by the fact that victim upon her recovery stated in her statement recorded under Section 164 Cr.P.C, that she was knowing the petitioner since two years and she was wishing to marry him. She further stated that she went with the accused out of her own will and she married with him. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State who submits that the victim girl is minor and the allegation against the petitioner is of kidnapping. In response, learned counsel for the petitioner submits that the victim is about 17 year of age and hence she has reached the age of discretion and she is capable of taking her own conscious decision.

6. Considering the entire facts and circumstances of



the case, it is directed that the petitioner above named, who has no criminal antecedent in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Madanpur P.S. Case no.197 of 2023 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 Additional District and Sessions Judge-VI-cum-the Special Exclusive Judge, POCSO, Aurangabad, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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