

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85289 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- TURKAULIYA District- East Champaran

Pradip Baitha @ Pradip Kumar S/O Sikandra Baitha @ Baturi Baitha R/O
Vill.- Dhawahi, P.S.- Harsidhi, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sangita Devi W/O Gyanchandra Sahani R/O Vill.- Jaisinghpur Ghogharghat,
P.S.- Turkauliya, Dist.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 01-05-2025 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 Section 363 of the Indian Penal Code and Section 6 and 8 of the POCSO Act.

3. The allegation in the First Information Report is that on 29.12.2022 all the accused persons kidnapped the informant's daughter and fled away on a four wheeler vehicle.

4. Learned counsel for the petitioner submits, at the outset, that the present First Information Report has been lodged after a delay of 9 days and no plausible explanation has been tendered with regard to the same and there is general and omnibus allegation on all the accused persons of having



kidnapped the victim girl. It has also been submitted that it does not stand to reason as to why the FIR was lodged after 9 days of occurrence when the informant claims to be the eye witness to the said occurrence. It has also been pointed out that it would appear from the FIR itself that a mobile was found at the place of occurrence which belongs to one Nandan Kumar. As a matter of fact, there was a love affair between the said Nandan Kumar and the daughter of the informant with whom the said girl has eloped. The petitioner happens to be the cousin brother of the said Nandan Kumar and has not participated in the alleged occurrence. The order granting anticipatory bail to similarly situated co-accused persons Rakesh Baitha, Savita Devi and Rajesh Baitha who are father, mother and brother of the said Nandan Kumar vide order dated 06.09.2023 passed in Cr. Misc. No. 39575 of 2023 has been annexed as Annexure-2 to the present application.

5. Learned APP for the State has opposed the application for anticipatory bail, besides others also on the ground that the victim girl has yet not been recovered.

6. Taking into consideration the fact that the similarly situated co-accused persons have already been extended the privilege of anticipatory bail by a coordinate Bench of this



Court in order to maintain uniformity and also taking into consideration the fact that the FIR is a delayed one and the petitioner is only a cousin brother of the said Nandan Kumar, 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 Turkauliya P.S. Case No. 29 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is directed that the petitioner would cooperate with the investigating officer in the search of the victim of the case and would extend all the needed cooperation in the process of recovery of the said victim girl of the present case.

(Soni Shrivastava, J)

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