

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38719 of 2013

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Shivu Kumar @ Shiboo Kewat @ Shiv Kumar son of Mangal Kewat,
resident of village Hansapur, P.S. Karande, District Sheikhpura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 24-12-2013

Heard K.K. Pathak learned counsel for the petitioner and

learned Additional Public Prosecutor for the State

The petitioner is apprehending his arrest in connection
with Sheikhpura P.S. Case No. 101 of 2011 for the offence
punishable under Section 336-A of Indian Penal Code.

The petitioner is charged with elopement with the daughter
of the informant who is stated to be aged about 14 years and is yet
traceless.

It is contended by Mr. Pathak appearing for the petitioner
that the girl has married this petitioner and that a child was also
born from the wedlock. He thus submits that sending this
petitioner to the custody is not an answer to the grievance raised.

Having heard learned counsel for the parties, this Court is of
the opinion that since the girl is aged 14 years, any consent at that
age becomes irrelevant.

In the circumstances, no case for anticipatory bail is made out.

This application is dismissed.

The petitioner however, shall be at liberty to make his prayer for regular bail which shall be considered and disposed of on its own merits without being prejudiced by the order passed in the present case.

(Jyoti Saran, J)

Bibhash/-