

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67465 of 2018

Arising Out of PS. Case No.-102 Year-2018 Thana- LAKHISARAI District- Lakhisarai

Santosh Kumar, Son of Late Sachita Yadav, Resident of Village- Pachena,
P.S.- Lakhisarai, District- Lakhisarai. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the informant.

Petitioner apprehends his arrest in connection with
Lakhisarai P.S. Case No. 102 of 2018 registered for the offences
punishable under Sections 366(A)/34 of the Indian Penal Code
and Section 8 of the Protection of Children from Sexual
Offences Act.

The victim has already returned and her statement
under Section 164 of the Cr.P.C. has been recorded.

Learned counsel for the petitioner submits that
certified copy of the statement of victim has not been furnished
to the petitioner but the petitioner got photostat copy of the
case diary in which the statement of victim recorded under
Section 164 of the Cr.P.C. has been incorporated and the
aforesaid statement shows that the victim eloped with petitioner



and subsequently solemnised her marriage.

Learned counsel for the petitioner submits that the victim was major at the time of alleged occurrence and the aforesaid fact is evident from the marriage certificate attached with the petition.

However, learned counsel appearing for the informant submits that the victim was medically examined and she was found between 17-18 years by the doctor.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Lakhisarai in Lakhisarai P.S. Case No. 102 of 2018 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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