

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63754 of 2017

Arising Out of PS.Case No. -155 Year- 2017 Thana -KATEYA District- GOPALGANJ

1. Rahul Thakur, S/o Awadhesh Thakur
2. Awadhesh Thakur, S/o Gaytri Thakur, Both are R/o village- Patkhauli,
P.S. Kateya, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 08-02-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Kateya P.S. Case No. 155 of 2017 instituted for the offence under Sections 366(A)/34 of the IPC and Section 7/8 of the POCSO Act.

There is allegation in the written report that the minor daughter of the informant has been kidnapped by the accused persons with intention to perform her marriage with Rahul Kumar.

The victim girl has given her statement under Section 164 Cr.P.C., wherein she has stated her age as 19 years. She has further stated that she has performed marriage with Rahul Kumar. Learned Sessions Judge in the impugned order has assessed her age as 16 years.

Learned counsel for the petitioner has submitted that affidavit has been filed on behalf of both the parties. (Annexure-4) stating that they have married voluntarily. It is further submitted



that the report of the Medical Board has also been enclosed, as Annexure-3, wherein, the age of the victim girl has been assessed as 17-18 years.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Kateya P.S. Case No. 155 of 2017, to the satisfaction of the learned Additional District Judge, Ist Gopalganj, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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