

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61306 of 2018

Arising Out of PS. Case No.-49 Year-2018 Thana- HALSI District- Lakhisarai

Rahul Kumar, Son of Bhola Saw, Resident of Village- Sakin Balhapur, Police Station- Chanan, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Sri Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-01-2019 Heard learned counsels for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 07.05.2018 in a case registered for the offences punishable under Section 366A of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case got initiated on the basis of written report submitted by Uchit Yadav to the Station House Officer, Halsi Police Station to the effect that on 06.05.2018 at 6.00 P.M., the daughter of the informant was enticed away by the petitioner Rahul Kumar. On information being received, the informant chased and caught hold of the petitioner and his daughter, when this petitioner threatened the informant.

It is submitted by learned counsel for the petitioner that it is a case of love affair. In the statement



recorded under Section 164 of the Cr. P.C., the victim got her age recorded as 17 years, whereas, the learned Court below has also assessed her age as such. In fact, the victim got married with the petitioner on 18.08.2017 at Indradamneshwar Mahadev Trust, Ashokdham, Lakhisarai (Bihar). In 164 Cr. P.C. statement, the victim stated that she received a call from the petitioner and thereafter, the petitioner forced her to sit into a bus, but she neither raised any alarm, nor did she complaint about it to anybody, though she claimed to have called her parents and conveyed about forcibly being taken away by the petitioner, but the FIR does not suggest that the father of the victim claims to have received a telephonic call from the petitioner. In 164 Cr. P.C. statement the victim has not alleged any misbehavior by the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the victim has alleged about taking away her forcefully by the petitioner in 164 Cr.P.C. statement.

Considering the fact that the victim in 164 Cr. P.C. statement got her age recorded as 17 years and the learned Court below also assessed her age as such, which also does not



suggest that any force was applied by the petitioner, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Lakhisarai, in connection with POCSO Case No.22/2018 arising out of Halsi P.S. Case No.49 of 2018.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

