

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10792 of 2020

Arising Out of PS. Case No.-138 Year-2019 Thana- MADANPUR District- Aurangabad

Sheo Kumar, aged about 22 years, Male, Son of Avdhesh Bhuinya @ Avdhesh Rikiyasan, resident of village- Kanchanpur, P.S. Madanpur, District – Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-07-2020 Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Humayou Ahmad Khan, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Madanpur P.S. Case No. 138 of 2019 registered for the offence punishable under Section 363/ 366(A) of the I.P.C., Section 66(E)/ 67 (A) (B) of the I.T. Act and Section 12 of the POCSO Act.

The allegation against the petitioner is that the petitioner abducted the minor girl of the informant.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as



there was love affair between the daughter of the informant and the petitioner and the statement of the victim girl was recorded before the learned 1st Addl. Distt. & Sessions Judge -cum- Special Judge (POCSO), Aurangabad , which is Annexure -2 to this anticipatory application and from perusal of the same it would be evident that the victim girl has categorically stated that she had gone with the petitioner on her free will and without any coercion and has performed marriage with the petitioner. Learned counsel further submits that the victim girl is major inasmuch as she has declared her age before learned 1st Addl. Distt. & Sessions Judge-cum-Special Judge (POCSO), Aurangabad as 17-20 years.

Having regard to the submissions made by the parties and taking into consideration the fact that in her statement recorded before learned 1st Addl. Distt. & Sessions Judge - cum- Special Judge (POCSO), Aurangabad the victim girl has not said anything against the petitioner and has accepted that she has performed marriage with the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail



bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge – cum-Special Judge (POCSO), Aurangabad in connection with Madanpur P.S. Case No. 138 of 2019 subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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