

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 10628 of 2020

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Aman Kumar aged about 21 years (Male) Son of Pramod Sahni, Resident of Village-
Ahiyapur, P.S.-Karja, District-Muzaffarpur

..... Petitioner

Versus

The State of Bihar

..... Opposite party

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Appearance

For the Petitioner/s : Smt. Jyotshna Rani Mishra, Advocate

For the State : Mr. Ram Chandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 31.08.2020 Heard learned counsel for the petitioner and learned A.P.P
for the State through video conferencing.

The instant application for anticipatory bail has been filed
by the petitioner apprehending his arrest in connection with
Karja P.S. Case No.187 of 2018 registered under sections 363,
366A and 34 of the Indian Penal Code.

As per allegation in the F.I.R, it is stated by the informant
that the 11 year old minor daughter of the informant did not



return from school. On enquiry, it transpired that she had not reached school and instead it is the petitioner who had eloped with her. It is further submitted that on going to the petitioner's family, they were abused and beaten up.

It is submitted by learned counsel for the petitioner that from the F.I.R. itself it would transpire that the petitioner and the daughter of the informant had eloped for the purpose of marriage. It is submitted that even in course of investigation the witnesses have stated that the marriage of the petitioner and the daughter of the informant was being arranged but for some reason could not take place and it was thereafter that both of them were upset and had run away. It is submitted that from the medical report it would transpire that the no sign of injury on any part of body has been found, the age of the daughter of the informant has been estimated to be between 16-17 years and the petitioner has no criminal antecedent. It is further submitted that it was under undue pressure by the members of the family that an incorrect statement under section 164 of the Cr.P.C. has been given by the daughter of the informant making incorrect allegations. It is further submitted that the father of the petitioner has also been enlarged on anticipatory bail vide order passed in



Cr.Misc.no. 60299 of 2019.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that even as per the medical report, the daughter of the informant is a minor and in her statement under section 164 Cr.P.C. she has clearly made statement of this petitioner committing rape on her, the Court is not inclined to enlarge the petitioner on anticipatory bail. The application for anticipatory bail is hence rejected.

In case the petitioner surrenders in the court below within a period of six weeks from today, the application for bail shall be considered without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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