

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1348 of 2020

Arising Out of PS. Case No.-61 Year-2019 Thana- MAHILA P.S. District- Nalanda

CHANDAN KUMAR, (Male), Aged about 21 years, Son of Birendra Paswan,
Resident of Village Bermo, P.S. Karaiparshurai, District Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 12-03-2021 Heard Mr. Satish Kumar Sinha, the learned counsel
for the petitioner. Nobody appears on behalf of the State.

The case diary is received. The report of the
Superintendent of Police, Nalanda in pursuance of the order
dated 25.02.2020 is also received.

The petitioner apprehends his arrest in Mahila P.S.
Case No.61 of 2019, registered under Sections 376, 323, 504,
506 and 34 of the Indian Penal Code, under Sections 4/6 of the
POCSO Act and under Sections 3/4 of the Dowry Prohibition
Act.

Learned counsel for the petitioner submits that this
Court by order dated 25.02.2020 called for a report from the
Superintendent of Police, Nalanda about the correction/cutting
in the written application filed by the complainant. The report



says that it was the complainant who made correction in her written application and thereafter she put her signature on the over writing or correction made therein. It is submitted that the victim herself disclosed that she was 19 years old on the date of complaint, therefore, no offence under Sections 4/6 of the POCSO Act is made out. The victim has already been married. It is further submitted that the petitioner never established physical relation with the victim. The victim lodged the case only because negotiation of marriage of the victim with the petitioner could not be materialized on account of some differences, but it appears from perusal of the FIR that the petitioner on the pretext of marriage established physical relation with the victim for the last two years. When a complaint was made with regard to denial of marriage, the father of the petitioner also agreed to get his son married with the victim, but later on the petitioner refused to marry with the complainant. Thereafter the present case was lodged. During the course of investigation, the witnesses have also reiterated the facts.

Taking into consideration the facts that the petitioner established physical relation with the victim when she was minor on the pretext of marriage, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, prayer for



anticipatory bail of the petitioner is rejected.

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced by the order of this Court.

(Prabhat Kumar Jha, J)

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