

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20324 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- DHOLBAJJA District- Bhagalpur

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Jyotish Kumar Son of Gajadhar Sah Resident of Village - and P.S.- Dholbajja,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr. Sakir Ahmad A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 14-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Dholbajja P.S. Case No. 15 of 2020, registered for the offence under Section 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution case, this petitioner alongwith his family members kidnapped the minor daughter of the informant for the purpose of marriage.

It is submitted on behalf of petitioner that the victim is aged about 19 years old and she was in love with this petitioner since last one year and voluntarily fled away with the petitioner and both of them have solemnised marriage in a temple in Himachal Pradesh. It is further submitted that the victim, in her statement recorded before the police under Section 161 of the Cr.P.C., has not attributed any allegation against the petitioner. The F.I.R. has been lodged after an



inordinate delay of 15 days and there is no explanation to the same. Petitioner claims clean antecedent and he is in custody since 17.06.2020.

However, learned A.P.P. for the State vehemently opposed the bail petition and submitted that the victim has supported the prosecution case in her statement recorded under Section 164 Cr.P.C. and the age of the victim has been assessed as 12 years. The doctor has found her age between 14-16 years.

Considering the aforesaid facts and circumstance as well as statement of the victim recorded under Section 164 of the Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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