

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1817 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- PIPRA District- East Champaran
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MUNNA KUMAR Son of Vinod Prasad Resident of Village - Khairi Maal,
P.S. Pipra, District - East Champaran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Ms. Usha Kumari No. 1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-08-2021 Heard the learned counsel for the appellant and

the learned Special Public Prosecutor for the State.

The appellant has challenged the order dated

18.01.2021 passed by the learned Additional Sessions
Judge-VII-cum-Special Judge, POCSO Act, East Champaran
at Motihari in A.B.P. No. 2665 of 2020 arising out of Pipra
P.S. Case No. 301/2020, whereby the prayer made on
behalf of the appellant for grant of anticipatory bail for the
offences under Sections 341, 323, 364(A), 504 and 506/34
of the Indian Penal Code, Section 3(r)(s)(w)(1), 3(2)(va) of
SC/ST (POA) Act and Section 8 of the POCSO Act, has been



rejected.

Though the accusation against the appellant and others is of having abducted the minor daughter of the informant but it has been alleged that the victim girl in her statement under Section 164 Cr.P.C. has expressed her willingness to marry the appellant provided she is permitted to do so.

Learned counsel for the appellant has submitted that the victim has married the appellant.

He further submits that because of the tender age of the victim, the marriage may be void but the offence of kidnapping is not made out.

Regard being had to the fact that the victim has been subjected to marriage after kidnapping her, I am not inclined to interfere with the impugned order refusing to grant anticipatory bail to the appellant.

The appeal is dismissed.

However, if the appellant surrenders before the court below and seeks bail, it shall be considered on its own merits, taking into account all the attendant facts and an



order shall be passed without being prejudiced by the fact
that the present appeal on his behalf has not been
entertained.

(Ashutosh Kumar, J)

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