

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33562 of 2020

Arising Out of PS. Case No.-91 Year-2020 Thana- MAHESI District- East Champaran

Vikash Kumar, male, aged about 22 years, S/o Ramesh Chaurasia @ Ramesh Prasad, R/o Village-Chintamanpur, P.S.-Mehsi, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 12-03-2021 Heard Mr. Rajesh Kumar, learned counsel for the petitioner and Md. Aslam Ansari, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Mehsi P.S. Case No. 91 of 2020, dated 20.03.2020, instituted for the offences under Sections 341, 323, 363, 365, 504 and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

It has been alleged in the FIR that while the



informant was coming with his daughter to home, he was waylaid by four persons including the petitioner and was pushed in a nearby ditch. After incapacitating the informant, the petitioner and his three associates took away the minor daughter of the informant to some unknown destination. It has also been stated in the FIR that the minor daughter of the informant did not have a stable mental condition.

Learned counsel for the petitioner has submitted that the petitioner appears to have been identified by an onlooker, who is said to have told the informant that the petitioner and his three associates had kidnapped his unmarried daughter. In fact, it has been stated that the victim girl had married the petitioner of her own choice in a temple. Because of the parties following different religion, the aforesaid marriage was not accepted and hence this case has been filed.

Learned counsel for the petitioner has further drawn the attention of this Court to the 164 statement of the victim girl in which she has admitted that she has married the petitioner out of her own choice. Further, in her



statement, she has disclosed her age to be seventeen years.

Considering the fact that the victim girl is a minor,
I am not inclined to grant anticipatory bail to the petitioner.

The prayer for grant of anticipatory bail of the
petitioner is, accordingly, rejected.

However, if the petitioner surrenders before the
Court below and seeks bail, the Court below, after taking
into account the entire set of facts, shall pass orders in
accordance with law, without being prejudiced by the fact
that the present anticipatory bail application has not been
entertained by this Court.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

