

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36917 of 2020

Arising Out of PS. Case No.-341 Year-2017 Thana- BODHGAYA District- Gaya

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Rajesh Kumar Das @ Rajesh Mochi, aged about 24 years, male, S/o Teemal Ravidas, Resident of Village-Surajpura, P.S.-Bodh-Gaya, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Adv.

Mr. Sudhir Kumar Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 08-04-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Bodh Gaya P.S. Case No. 341 of 2017, dated 30.05.2017, instituted for the offences under Sections 363 and 366A of the Indian Penal Code.

It has been submitted on behalf of the petitioner that though there is an allegation against him of having enticed away the minor daughter of the informant but during



the course of investigation, the victim has given her statement under Section 164 Cr.P.C., stating that she has married the petitioner of her own volition and is staying as a married wife of the petitioner for about three years.

However, from the statement of the victim under Section 164 Cr.P.C., it becomes very clear that she has stated her age to be nineteen years and has said that for three years, she has been residing with the petitioner as his legally wedded wife. This means that the petitioner married the victim when she was a minor.

Considering this aspect of the matter, I am not inclined to grant anticipatory bail to the petitioner, notwithstanding the fact that the F.I.R. regarding the occurrence was lodged after a delay of twenty one days.

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 fact that the so-called victim is staying with the petitioner as his legally wedded wife for the last several



years, 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/-

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