

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.301 of 2021

Arising Out of PS. Case No.-136 Year-2019 Thana- SATHI District- West Champaran

1. VIJAY PRASAD KUSHWAHA, Son of Ram Lakhan Prasad Kushwaha @ Ram Lakhan Mahto Resident of Village - Dumdumwa, P.s.- Sathi, Dist.- West Champaran.
2. POONAM DEVI @ RENU DEVI, W/O SRI VIJAY PRASAD KUSHWAHA Resident of Village - Dumdumwa, P.s.- Sathi, Dist.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-06-2021 Heard Mr. Umesh Chandra Verma, learned counsel for the appellants and Mr. Binay Krishna, learned Special Public Prosecutor for the State.

The appellants have questioned the order dated 03.10.2020, passed by the learned 7th Additional Sessions Judge-cum-Special Judge, under POCSO Act, West Champaran, Bettiah, in A.B.P. No. 1725 of 2020, arising out of Sathi P. S. Case No. 136 of 2019, dated 12.12.2019, whereby the prayer made on behalf of the appellant for grant of anticipatory bail for the offences



punishable under Sections 363, 366-A and 34 of the Indian Penal Code; Sections 8 and 12 of the POCSO Act, 2012; and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

The appellants are the parents of one Vishal Kumar who is said to have kidnapped the minor daughter of the informant for the purposes of marriage. In the medical examination of the victim, her age has been assessed as 15 to 17 years and there is evidence of sexual assault as well.

The learned counsel for the appellants has submitted that now the victim is happily married with somebody else and therefore the appellants ought not to be refused anticipatory bail.

This Court is not inclined to accept the arguments of the learned counsel for the appellants.

For the nature of offence against the appellants, I am not inclined to interfere with the order impugned in



the present appeal.

The appeal is, hereby, rejected.

Should the appellants surrender before the court below and seek bail, their application shall be considered on its own merits, without being prejudiced by the fact that the present petition on their behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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