

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3070 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- JAGDISHPUR District- Bhojpur

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Rahul Keshari @ Rahul Kumar Keshari, aged about 19 years, male, Son of Late Laxman Prasad Keshari, Resident of Village - Jagdishpur Akhauri Mohalla, Ward no. - 9 under, P.S. - Jagdishpur, Distt. - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 14-12-2021 Heard Mr. Vikram Deo Singh, the learned Advocate for the petitioner and Mr. Ganesh Prasad Singh, the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Jagdishpur P.S. Case No. 50 of 2020, dated 08.03.2020, instituted for the offences under Section 366A of the Indian Penal Code. Later on, Section 120(B) of the Indian Penal Code and Section 8 of the



Protection of Children from Sexual Offences Act, 2012 are also added.

The minor daughter of the informant is said to have been abducted by the petitioner and one Munna Keshari.

It has been submitted on behalf of the petitioner that the victim went along with the petitioner of her own. In fact, there was a relationship between the petitioner and the victim girl.

Mr. Singh has further argued that though the educational certificate of the victim discloses her age to be of a minor, but the medical examination reveals that the age of the victim has been assessed to be seventeen to nineteen years.

Apart from this, it has been submitted that when the victim went along with the petitioner of her own volition, the offence under the Protection of Children from Sexual Offences Act would not get attracted.

However, regard being had to the fact that the victim is a minor, notwithstanding the fact that she has



supported the statement of the petitioner that she voluntarily married him, I am not inclined to grant anticipatory bail to the petitioner.

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

However, if he surrenders before the Court below and seeks bail, the Court below, after taking into account that there was a relationship between the petitioner and the victim and they have married, shall pass order in accordance with law, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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