

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33576 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- LAKHNAUR District- Madhubani

JITENDRA KUMAR S/o Sita Ram Pal R/o village- Focaha, P.S.- Madhepur,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 363, 366A, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that her daughter was kidnapped by petitioner and Ravindra Pal when she was going to attend nature's call along with her.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that victim is a major and her age has been assessed by the doctors in between 19-20 years, further her



statement was recorded under Section 164 Cr.P.C wherein she has not supported the prosecution case rather has stated that she eloped with Jitendra Kumar and has married him in a temple in Pandaul and are living as husband and wife.

Learned counsel for the petitioner next submits that the learned Magistrate has assessed the victim to be about 16 years and further, the victim in her statement recorded under Section 161 Cr.P.C had also disclosed her age as 16 years. Learned counsel further submits that even presuming what has been alleged in the F.I.R is true then also now since the victim and the petitioner are living as husband and wife and as such sending the petitioner to jail when admittedly the allegations are still to be proved in a duly constituted trial, would amount to travesty of justice when victim has not supported the case of prosecution and the doctors have assessed her age in between 19-20 years.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned trial court where the case
is pending/successor court in connection with Lakhnaur P.S.
Case No. 136 of 2021 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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