

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37908 of 2022

Arising Out of PS. Case No.-517 Year-2021 Thana- BIHTA District- Patna

Raushan Kumar, Son Of Sunil Kumar @ Sunil Verma Resident Of Village -
Katesar, P.S.- Bihta, District - Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rabindra Kumar Priyadarshi
For the Opposite Party/s :	Mr. Lalan Kumar
	Mr. Arvind Prasad Singh-Advocate
	Mr. Suresh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 363,
366A/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of under Section 366A of the I.P.C. It is next submitted that the
victim on her own volition had eloped with the petitioner as
they were in love.

It is next submitted that the victim returned and her
statement was recorded under Section 164 of the Cr.P.C. as
would be evident from Annexure-3 to the anticipatory bail



application and from perusal of the same, it would manifest that the victim has disclosed her age as 18 years and has not supported the prosecution case. It is next submitted that after marriage, a child has also been born. It is next submitted that petitioner has also filed Cr.W.J.C. No.761 of 2022 for getting the victim released from the remand home as she was not willing to accompany her parents.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application. The learned counsel for the informant submits that victim is a minor and as such, her consent is no consent in the eye of law.

The learned counsel for the petitioner rebuts the submission of learned counsel for the informant and submits that the victim in her statement recorded under Section 164 of the Cr.P.C. has disclosed her age as 18 years and the present application is for considering the anticipatory bail application 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees



Two Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bihta P. S. Case No.517 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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