

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3087 of 2023

Arising Out of PS. Case No.-348 Year-2021 Thana- BARBIGHA District- Sheikhpura

Sujeet Kumar, Son of Late Birendra Mistri, R/v- Hanuman Nagar, Barbigha,
Ward No. - 18, P.S.- Barbhiga, Dist- Sheikhpura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Ms. Kumari Anupam, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard Mr. Y.C. Verma, learned Senior Counsel for the
petitioner and Mr. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Barbhiga P.S. Case No. 348 of 2021 registered for the offences punishable under Section 366(A) of the Indian Penal Code and Section 8 of the Prevention of Children from Sexual Offences (in short 'POCSO'). The petitioner has no criminal antecedent.

As per the prosecution story, the daughter of the informant aged about 17 years had gone to market for bringing vegetables but she did not return. The informant came to know that this petitioner with the help of his brother Sumit Kumar, mother and father had taken away the daughter of the informant by a motorcycle after alluring her. When he went to the house of



the father of this petitioner, the informant was abused, assaulted and threatened.

Learned Senior Counsel for the petitioner submits that no doubt the victim girl was a little short of 18 years. She was 17 years 3 months approximately on the date of alleged occurrence but she has attained majority and her statement has been recorded under Section 164 Cr.P.C. in which she has stated that she was in love with the petitioner and had solemnised marriage on her own. It is submitted that in nature of these cases, the provision of POCSO may not be attracted.

Learned APP for the State has though opposed the pre-arrest bail of the petitioner, this Court finds from the observations of the learned court below that the victim girl who was aged about 17 years 3 months and 16 days on the alleged date of occurrence, in her statement under Section 164 Cr.P.C. has clearly stated that she had herself left her house and solemnised marriage with this petitioner, in the nature of the materials present on the record, this Court directs release of the petitioner above named in the event of his arrest or surrender within a period of four weeks from today on bail in connection with Barbhiga P.S. Case No. 348 of 2021 (POCSO Case No. 53 of 2021) on furnishing bail bond of Rs. 25,000/- (Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI, Sheikhpura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

