

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8220 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- SONEPUR District- Saran

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Kundan Kumar Son Of Harendra Mahto R/V- Sabalpur Chai Tola, P.S.-
Sonepur, District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Mr.Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 366A, 379/34 of the Indian Penal Code and Sections 4/8 of the POCSO Act.

Petitioner is said to have kidnapped the minor daughter of the informant/complainant for the purpose of marriage.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that occurrence took place on 05.03.2022 but the FIR has been lodged on 09.03.2022 after delay of 4 days without explaining any reasonable cause of delay. He submits that the age of the victim has been assessed between 18 to 20 years as per the medical report, therefore, no case is made out



under the POCSO Act. He submits that the victim girl in her statement under Section 164 Cr.P.C. stated that she had gone with the petitioner by her own will. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that the date of birth of the victim girl as per the mark-sheet issued by the Bihar School Examination Board, Patna is 06.04.2006.

Considering the facts and circumstances of the case and the age of the victim, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Sonapur P.S. Case No. 260 of 2022.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that the petitioner and the victim girl have solemnized their marriage.

(Anjani Kumar Sharan, J)

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