

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.22364 of 2023**

Arising Out of PS. Case No.-138 Year-2022 Thana- DARBHANGA SADAR District-  
Darbhanga

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ASHISH RAM @ ASHISH KUMAR RAM SON OF JAGDISH RAM  
RESIDENT OF VILLAGE- SHISHO WEST, PS- SADAR (MABBI OP),  
DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      11-07-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366(A) and 34 of the IPC and Sections 8 and 12 of the POCSO Act.

The informant alleges that on 20.03.2020 at about 11.00 AM, his minor daughter had gone to the market but did not return, thereafter during course of search he was informed by the villagers that they had seen the victim accompanying the petitioner and Vikash along with 3-4 unknown persons, thus it is alleged that his minor daughter aged about 17 years was kidnapped.



Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that petitioner and the victim were in love and they fled to Nepal where they performed their marriage, it is next submitted that even presuming what has been alleged is true without admitting then the age of victim disclosed in the FIR is 17 years and thus had reached the age of discretion where she was capable of understanding the consequences of her action. The learned counsel next submits that petitioner and the victim are living happily. It is further submitted that victim will present herself before the learned Trial Court on the date when the petitioner surrenders.

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. 5,000/- (Rupees Five 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 Sadar Mabbi (O.P.)  
P.S. Case No. 138 of 2022 subject to the conditions as laid down  
under Section 438 (2) of the Cr.P.C.

However, it is made clear that the learned Trial Court  
before accepting the bail bonds of the petitioner shall verify  
from the victim that as to whether she has performed her  
marriage with the petitioner or not and in the event, if the victim  
denies then the present anticipatory bail order shall not be given  
effect to.

**(Satyavrat Verma, J)**

GauravSinha/-

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