

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17893 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- RAJEPUR District- East Champaran

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DHIRAJ KUMAR Son Of Kamlesh Rai Resident Of Village - Narha Gote,
P.S. - Rajepur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-05-2023 Heard Mr. Anil Kumar, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, learned Additional Public

Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with

Rajepur P.S. Case No. 72 of 2022 dated 02.04.2022 registered

for the offences punishable under Sections 363, 366(A), 120(B),

34 of the Indian Penal Code and Sections 6, 8 and 12 of the

POCSO Act.

As per the First Information Report, the petitioner

along with other accused persons abducted the minor daughter

of the informant for the purpose of marriage.

Learned counsel for the petitioner submits that the

petitioner has falsely been implicated in this case in as much as



there was love affair between the petitioner and the victim girl and both have solemnized marriage. The victim girl is major as is evident from the statement recorded under Section 164 of Cr.P.C., wherein the learned Magistrate has assessed the age of the victim girl as 19 years, as stated in the order impugned itself. He further submits that the medical board has assessed the age of the victim girl between 18 to 20 years. The statement of the girl under Section 164 of Cr.P.C. has been recorded in which she has not supported the prosecution story and stated that she has solemnized marriage with the petitioner voluntarily.

Regards being had to the submission made by the parties and taking into consideration the statement of the victim girl recorded under Section 164 of Cr.P.C. and the fact that the victim girl is a major as assessed by the medical board and the learned magistrate, I am inclined to grant anticipatory bail to the petitioner.

This application is accordingly allowed.

Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional District and Sessions Judge-VII-cum- Special Judge,
POCSO Act, East Champaran at Motihari, in connection with
Rajepur P.S. Case No. 72 of 2022, subject to the condition as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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