

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19126 of 2023

Arising Out of PS. Case No.-78 Year-2021 Thana- DANIYAWAN District- Patna

RAJU GOPE @ RAJU KUMAR Son of Ram Pravesh Yadav R/V-
Sikandarpur PS- Daniyawon Dist- Patna Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 3 28-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 365, 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the victim, after coming to know that a case has been instituted, came back and got her statement recorded under Section 164 CrPC wherein she has not supported the case of the prosecution, rather, has said that she, on her own volition, had left for Mumbai with the petitioner, it is also submitted that the victim has not even alleged, in her statement recorded under Section 164 CrPC, that the petitioner committed any act prejudicial to her interest.



4. Learned counsel for the petitioner very fairly submits that in the FIR the age of the victim is disclosed as 12 years and the victim in her statement recorded under Section 164 CrPC has disclosed her age as 14 years and thus she is a minor though the impugned order records that age of the victim to be 17 years.

5. Learned counsel for the petitioner, after making the submission and realizing his difficulty, seeks permission to withdraw the anticipatory bail application.

6. Permission is accorded.

7. However, it is made clear that in the event if the petitioner surrenders on or before 18.08.2023, his case shall be disposed of by the learned Trial Court on the same day keeping in mind the fact that the victim, though a minor, has not supported the case of prosecution nor has alleged that the petitioner in any manner committed any act violating her privacy.

(Satyavrat Verma, J)

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