

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20186 of 2023

Arising Out of PS. Case No.-22 Year-2020 Thana- MAJHAULIA District- West Champaran

SAHIL AHMAD Son of Late Sk. Lalbabu Resident of Village - Jaysighpur
Bechu Toal Ward No.- 09, P.S.- Turkauliya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-06-2023 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 366(A) and 34 of the Indian Penal Code read with Section 12 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that petitioner kidnapped his minor granddaughter.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the victim and petitioner were in love and the relationship was being opposed by the informant and his family members as such they eloped. It is further submitted that



during the course of medical examination, the doctor assessed her in between 16-17 years and the learned Magistrate while recording her statement under Section 164 of the Cr.P.C. has also assessed the victim as 17 years, it is next submitted that even presuming that the victim is 17 years of age still she has reached the age of discretion. Learned counsel submits that even the victim has not supported the case of the prosecution rather has stated in her statement that she has married the petitioner.

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 Court below 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 court below where the case is pending/successor court in connection with Majhauiliya P.S. Case No. 22 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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