

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22237 of 2023

Arising Out of PS. Case No.-126 Year-2022 Thana- DARPA District- East Champaran

PRAVIN KUMAR SON OF RAJESH PRASAD RESIDENT OF VILLAGE-
GAMHARIYA KALA, PS- DARAPA, DISTRICT- EAST CHAMPARAN,
MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, APP.

Mr. Vijay Shankar Shrivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-07-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 363, 366 A of the Indian Penal Code and Section 8 of the POCSO Act.

Allegedly, petitioner is said to have abducted the informant's daughter.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that so-called victim girl, namely, Jyoti Kumari was examined by doctor at Sadar



Hospital, Motihari who has found her age more than 19 years. The statement of the victim girl has been recorded under Section 164 of Cr.P.C., in which she has not supported the prosecution story. He further submits that since the doctor and Judicial Magistrate has assessed the age of so-called victim girl more than 19 years, hence no POCSO Act is applicable in the present case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well learned counsel for the informant vehemently opposing the bail petition submitted that according to the educational certificate, the age of the victim was found to be less than 18 years, as her date of birth is 21.03.2005.

Considering the facts and circumstances of the case as well as argument of the parties, as the victim has not supported the prosecution case and she is aged more than 17½ years, which is evident from her school certificate, the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty 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
Darpa P.S. Case No. 126 of 2022, subject to the condition as laid
down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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