

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26916 of 2023**

Arising Out of PS. Case No.-462 Year-2022 Thana- GORAUL District- Vaishali

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Sujeet Kumar Son Of Lakshman Bhagat @ Laxman Bhagat Village- Hussaina
Khurd, Ps- Gorual, Distt- Vaishali, Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 20-07-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 06.11.2022 in connection with Goraul P.S. Case No. 462 of 2022, F.I.R. dated 19.10.2022 for the offences punishable under Sections 363 and 366A of the Indian Penal Code.

4. According to prosecution case, the informant suspects that this petitioner along with other accused persons have enticed away her daughter during the time when the informant had gone at the house of her daughter situated at Nepal.



5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is son-in-law of the informant and brother-in-law of the victim. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that she has solemnized marriage with the petitioner.

6. The learned Additional Public Prosecutor on the basis of material available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that the victim was found to be minor and her date of birth is 01.05.2008 and consent of the victim is no consent in the eye of law when the victim herself is minor. He further submits that the petitioner is already married with sister of the victim.

7. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Goraul P.S. Case No. 462 of 2022 pending in the court of learned Special Judge, POCSO Act, Vaishali, Hajipur.



8. Prayer is refused.

(Rajesh Kumar Verma, J)

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