

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40782 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- JOGBANI District- Araria

Rahul Pal Son of Ram Prakash Resident of Village - Bhikhanpur, P.s.- Milsa,
(Mijriya Chowk), Distt.- Badayun (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 20-01-2023 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 366A, 372 and 34 of the Indian Penal Code and sections 9, 10 and 11 of the Protection of Child Marriage Act, 2006.

As per the prosecution case, the 15 year old informant states that she was married to the 40 year old petitioner against her wishes. On the informant protesting, she was beaten up by the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From the contents of the F.I.R. itself it would transpire that the marriage took place in the house of the girl in presence of her family



members including her father. No protest in any manner was raised by the informant at the time of marriage and the contents of the F.I.R. are an after thought. The allegations of the petitioner beating up the informant etc. are all false and concocted. The petitioner is in custody since 27.3.2022 and has no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation including the contents of the statement of the victim under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail for present and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail after 4 months or after framing of charge, whichever is later.

(Partha Sarthy, J)

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