

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45791 of 2023

Arising Out of PS. Case No.-210 Year-2022 Thana- PIRPAINTI District- Bhagalpur

Chotu Yadav @ Chotu Kumar @ Chhotu Yadav @ Chhotu Kumar Son of
Ranjan Yadav Resident of village - Parasbanna, P.S.- Pirpainty, Distt.-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Pirpainty P.S. Case No. 210 of 2022 registered on 04.07.2022 for the alleged offences under Section 366(A)/504/34 of the Indian Penal Code.

3. As per prosecution case, the minor daughter of the informant was kidnapped by the petitioner and other co-accused persons with the intention of marrying her with the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The daughter of the informant eloped with the petitioner



and solemnized marriage with him and this fact is clear from the statement of the victim girl recorded under Section 164 Cr.P.C. from the court of learned Magistrate. The victim also showed her willingness of going to her new matrimonial home and not returning to her parents' home. The victim has not said anything against the petitioner and she expressed her desire to stay with the petitioner. However, considering the age of the victim she was sent to the remand home.

5. Learned APP vehemently opposes the prayer for anticipatory bail made on behalf of the petitioner. Learned APP further submits that the age of the victim was assessed to be 15 years by the learned court which recorded her statement. Further, it also appears from the record that the certificate shows date of birth of the victim to be 20.01.2009 which clearly indicates that the age of the victim girl was even less than 15 years.

6. Having considered the age of the victim girl and nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail.

7. Hence, his prayer for anticipatory bail is rejected.

8. However, if the petitioner surrenders before the learned court below and seeks bail, the prayer will be



considered on the same day and disposed of in accordance with
law by the learned court below without getting prejudiced by
the order of this Court.

(Arun Kumar Jha, J)

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