

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48614 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- BARHIYA District- Lakhisarai

VINOD KUMAR, SON OF ASHRAFI TANTI, RESIDENT OF VILLAGE-
BILLO BARTARA (RAMNAGAR), PS- RAMGARH CHOWK, DISTT-
LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr.Rajesh Kumar, Advocate
For the State : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 11-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.
2. The petitioner is apprehending his arrest in
connection with Barahiya P.S. Case No. 77 of 2023 registered
for offence under Sections 366A and 34 of Indian Penal Code.
3. The informant has alleged that his minor daughter
has been enticed by the instant petitioner for the purposes of
solemnizing marriage.
4. It is submitted by learned counsel for the petitioner
that from the order passed by the learned Additional District
Judge-VI-cum-Special Judge, POCSO Court, Lakhisarai, it is
obvious that the victim was examined under Section 164 Cr.P.C.
and she has claimed to be aged about 19 years and stated about



intimate relation with the petitioner. The fact of the petitioner and the alleged victim having solemnized marriage has also been stated. It is submitted that the victim's statement belies the prosecution case altogether. It is also submitted that the petitioner has clean antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, material noticed by the learned Additional District Judge-VI-cum-Special Judge, POCSO Court, Lakhisarai, in order dated 23.06.2023 whereby the petitioner's prayer for bail was rejected, having regard to the contents of the statement of the victim recorded under Section 164 Cr.P.C., as noted above, as also clean antecedents of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Lakhisarai, in connection with Barahiya P.S. Case No.



77 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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