

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48606 of 2022

Arising Out of PS. Case No.-425 Year-2019 Thana- JOGAPATTI District- West Champaran

VICKY RAM @ VIKKY KUMAR SON OF RAMJI RAM R/O VILLAGE-
CHAMAINIA BAZAR, P.S.- YOGAPATTI, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.A.G

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 17-01-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case

registered for the offences punishable u/s 363, 366(A), 504 read

with 34 of the Indian Penal Code and 8 of the POCSO Act.

As per the prosecution case, the petitioner and the co-

accused persons kidnapped the minor daughter of the informant

for the purpose of marriage.

Learned counsel for the petitioner has submitted that

the petitioner has falsely been implicated in this case. Learned



counsel further submitted that as per medical board, the age of victim is in between 18 to 19 years and the victim was a major at the time of occurrence and no case under Section 366A is made out against the petitioner. Learned Counsel has further submitted that the ingredients of section 366A are not fulfilled in this case as there is no allegation of forcing or seducing the victim to have illicit intercourse with another person. Learned Counsel has relied on the judgement of the Hon'ble Supreme Court in the case of **Sat Prakash vs. State of Haryana Cr. App. No. 1163 of 2011** in which it has been held that “*A perusal of the aforesaid section reveals, that the inducing of the minor to constitute an offence under Section 366A, should have been with reference to an intent to force or seduce her “... to illicit intercourse with another person...”*”. Learned Counsel has submitted that the victim has married the petitioner and she is living with him. The petitioner is also accused in one more criminal case as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, as well as the material available on record, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on



anticipatory bail on furnishing bail-bond of Rs. 20,000/-
(Rupees Twenty thousand) with two sureties of the like amount
each to the satisfaction of learned Court concerned, West
Champan in connection with Jogapatti P.S. Case No. 425 of
2019, subject to conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

This application stands allowed.

(Chandra Prakash Singh, J)

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