

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52177 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- PIPRA District- East Champaran

SONU KUMAR @ KUBER NATH AMBEDKAR SON OF PARAS NATH
RAM R/O VILLAGE - KUWARPUR, P.S.- PIPRA, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prateek Tandon, Adv.
For the Opposite Party/s	:	Mr.Anil Prasad Singh, APP
For the informant	:	Mr.Vinay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2023 Heard Mr. Prateek Tandon, learned counsel for the

petitioner, Mr. Anil Prasad Singh, learned APP for the State as

also Mr. Vinay Kumar, learned counsel for the informant.

The petitioner apprehends his arrest in connection
with Pipra P.S. Case No. 142 of 2022 instituted under Sections
366(A)/34 of the Indian Penal Code and Section 8 of POCSO
Act.

As per the prosecution story, the allegation is that the
petitioner and his father took the minor daughter of the
informant for the purpose of marriage and when they went to
his house, they were abused and assaulted. Accordingly, the
FIR was lodged.

Learned counsel for the petitioner submits that the



boy is 18 years of age and as per his information, the age of the girl has also been ascertained to be around 18 years and in that backdrop, it would be inappropriate to send him behind the bars.

Learned counsel for the informant on the other hand submits that it is a clear case in which a minor has been taken away by the accused persons and thus, so far as the anticipatory bail is concerned, he does not deserve the same.

Having gone through the rival submissions, it is unfortunate that here is a case where the petitioner is of 18 years while allegation is of taking away a minor girl which according to the learned counsel for the informant is aged 15 years. This is the age when they have to concentrate on their career.

However, in view of the fact that as per the FIR, she is a minor and there is nothing on record to show otherwise, this Court is unable to extend relief to the petitioner and petition stands rejected.

If the petitioner surrenders before the learned Court within four weeks from today, the learned Court shall take into account all the documents that is/are put forward by the petitioners side and also would ascertain the age of the victim



girl (as claimed by the learned counsel for the petitioner) and
decide the case/dispose of the bail petition on the same day,
taking into account the fact that the petitioner is only 18 years
of age.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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