

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56957 of 2023

Arising Out of PS. Case No.-472 Year-2022 Thana- CHHATAPUR District- Supaul

Mantu Kumar Mehta @ Mantu Kumar S/o Ratan Mehta Resident of Village-
Hasanpur, Ward No.-1, P.S.-Chhatapur, District-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Kishore Singh, Advocate
For the Informant	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-12-2023 Heard Mr. Kamal Kishore Singh, learned counsel for the petitioner, Mr. Pramod Mishra, learned counsel appearing on behalf of the Informant and Mr. Tarun Prasad Mandal, learned APP for the State.

2. The petitioner is apprehending his arrest connection with POCSO Case No. 97 of 2022 arising out of Chhatapur P.S. Case No. 472 of 2022, F.I.R. dated 20.12.2022 registered for the offences punishable under Sections 341, 323, 363(A), 366(A), 368, 385, 504, 506/34 of the Indian Penal Code, Sections 8/17 of the POCSO Act.

3. The prosecution case, in short, is that on 03.11.2022 accused persons including the petitioner are alleged to have kidnapped the minor daughter of the informant.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. is 03.11.2022 but the present F.I.R. was instituted on 20.12.2022 and the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she was in love with the petitioner and she has performed the marriage with the petitioner.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioner and submits that it has been transpired during investigation that the date of birth of the victim is 10.05.2007 which suggests that on the date of the alleged date of occurrence the victim was only 15 years 05 months and 23 days and there is no consent in the eye of law of a person who is minor.

6. In view of the aforesaid, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection



with POCSO Case No. 97 of 2022 arising out of Chhatapur P.S.
Case No. 472 of 2022 pending in the Court of learned
Additional District & Sessions Judge VI-cum-Special Judge,
POCSO Court, Supaul.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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