

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68408 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- SANOKHAR District- Bhagalpur

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AMAR KUMAR S/O RAM NATH MANDAL R/O VILLAGE- JONIYA
NAGARH (WRONGLY STATED AS JONIYA NAGAR IN THE F.I.R.), P.S-
NAUGACHIYA, DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-11-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Sanokhar P.S. Case No. 72 of 2023 corresponding to POCSO Case No. 55 of 2023 registered for the offence under Section 366(A), 504 / 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the First Information Report the petitioner has allegedly abducted the minor daughter of the informant forcibly.

4. Learned counsel for the petitioner submits that there was love relation between the petitioner and the victim girl and as per medical report the victim girl was between 17-19 years. He further submits that occurrence has taken place on



01.03.2023 but the F.I.R. has been lodged after seventeen days by the father of the victim. He further submits that in her statement recorded under Section 161 & 164 Cr.P.C. the victim has stated that it was the petitioner who had brought her after twenty days and left her near a bridge.

5. On the other hand, learned counsel for the State submits that as per school certificate of the victim she was minor and her date of birth is 15/06/2007 as recorded in the certificate. He further submits that the statement of the victim girl was recorded under Section 164 Cr.P.C. in which she has stated that on the date of occurrence she had come out of her house at about 11 P.M. in the meanwhile two persons forcibly caught her and taken her to Katihar by the motorcycle and confined her in the house of one Pawan Singh. It has further been argued that she came to know about the name of the petitioner during the course of conversation between the abductors.

6. Regard being had to the submissions made by the parties, taking into consideration the fact that the victim has supported the prosecution story and the victim girl was minor at the time of alleged occurrence, accordingly, I am not inclined to grant anticipatory bail to the petitioner.



7. However, if the petitioner surrenders and seek regular bail, the learned court of Addl. Sessions Judge-7 cum Special POCSO Court, Bhagalpur shall consider the same on its own merit without being prejudiced with the fact that the present application for anticipatory bail has been rejected.

(Anil Kumar Sinha, J)

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