

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1471 of 2023

Arising Out of PS. Case No.-226 Year-2022 Thana- PATLIPUTRA District- Patna

PINTU YADAV @ VISHAL @ VISHAL YADAV S/O Sri Tarkeshwar Yadav
@ Tarkeshwar Ray R/V- Kakarhat Tola, Bhetwaliya, Derni, P.S- Derni,
District- Saran at present House No- 375, Government School Gali, Ram
Chandra Colony, Sarai Khauja, Amar Nagar, Ram Chandra Nagar Colony,
Faridabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-05-2023 Heard the learned counsel for the petitioner and
the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Patliputra PS case no. 226 of 2022,
registered for the offences punishable under Sections 363, 366
of the Indian Penal Code.

The case of the prosecution in brief is that the
daughter of the informant aged about 16 years used to provide
tuition to the nearby small children. It is alleged that the
accused persons had gone to the place, where the daughter of
the informant used to provide tuition to small children, on
22.04.2022 at about 3 pm and since then, the daughter of the



informant went missing.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner and the victim girl have solemnized marriage and a bare perusal of the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate would show that the victim girl had voluntarily gone with the petitioner and solemnized marriage with him. It is also submitted by referring to the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate that the age of the victim girl has been assessed to be 19 years, hence, it is submitted that no offence has been committed by the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted by referring to the impugned order dated 11.11.2022 that as per the Class-Xth certificate and Adhar Card of the victim girl, her date of birth is 03.06.2006, hence her age was 16 years at the time of the alleged occurrence, thus, the consent of the victim girl is of no relevance and the petitioner has definitely



committed a crime.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that admittedly, the petitioner had lured the victim girl and taken her away with him, whereafter he had solemnized marriage with the victim girl in a temple, however, she has been found to be minor at the time of the alleged occurrence, as per the date of birth mentioned in her Class-Xth certificate and Adhar Card, thus, I find that the petitioner is having complicity in the alleged occurrence as also *prima facie*, a case is definitely made out against the petitioner for the offences alleged, hence, I am not inclined to grant anticipatory bail to the petitioner, accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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