

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8510 of 2024

Arising Out of PS. Case No.-182 Year-2022 Thana- BATHNAHA District- Sitamarhi

Mukesh Kumar S/o Mahendra Mahto R/o Vill - Bakhari, P.S.- Bathnaha, Dist.
- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mrs. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bathnaha P.S. Case No.182/2022, registered for the offence
punishable under Sections 363, 366(A) and 34 of the Indian
Penal Code & Section 8 of POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a young boy
aged about 22 years. It is next submitted that if the petitioner in
the nature of allegation is sent to judicial custody, his entire
career would be jeopardized and chances are bright that he may
come in contact with hardened criminal, which will further
restrict his future prospect. It is further submitted that the
informant in the F.I.R. alleges that his minor daughter for the



purposes of marriage was kidnapped by the accused persons including the petitioner. It is next submitted that the entire family members of the petitioner was falsely implicated in the present case. It is also submitted that it was not a case of kidnapping/abduction rather it was a case of elopement. It is next submitted that after the victim was recovered, her statement was recorded under section 164 Cr.P.C., wherein she has not supported the case of the prosecution as would manifest from the order impugned. It is next submitted that the informant with a view to give seriousness to the case falsely alleged in the F.I.R. that the victim was a minor aged about 15 years. It is further submitted that the victim was 18 years of age and after the occurrence, the informant got her married to another person.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-



Special Judge (POCSO Act), Sitamarhi, in connection with Bathnaha P.S. Case No.182/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that the O.P. No.2 shall be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner in the event if the victim has not been married to another person.

(Satyavrat Verma, J)

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