

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11960 of 2024

Arising Out of PS. Case No.-449 Year-2018 Thana- MUFFASIL District- West Champaran

Amod Kuwar @ Amod Kunwar S/O Late Devnandan Kunwar R/O Village-
Patbandi Babu Tola, P.S- Majhauriya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 366A of the
Indian Penal Code and Section 8 of the POCSO Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and has been
falsely implicated in the instant case during the course of
investigation. It is next submitted that the informant alleges that
his minor grand-daughter aged about 14 years, was kidnapped
by Abhimanyu Kumar on 3-8-2018.

4. It is next submitted that the petitioner was not
named in the FIR and from perusal of the allegation as alleged
in the FIR, it would manifest that the FIR was also instituted on



24-8-2018, when the alleged occurrence is said to have taken place on 3-8-2018, i.e., there was a delay of nearly 21 days in instituting the FIR. It is further submitted that the informant falsely in the FIR alleged that his grand-daughter, i.e., the victim, was aged about 14 years, it is next submitted that the mother of the victim was married to the son of the informant in the year 2002 when the victim was born, and in the year 2003, the mother of the victim, namely Nitu Devi, was killed for which the maternal grandfather of the victim instituted Bettiah Mufassil P.S. Case No. 144 of 2003 under Section 304B of the IPC read with other sections. It is thus submitted that if Bettiah Mufassil P.S. Case No. 144 of 2003 was instituted in the year 2003, that amply demonstrates that the victim by then was born as such on the alleged date of occurrence, she was about 16 years of age. It is further submitted that during the course of investigation, it transpired that this petitioner has married the victim in the year 2021 and the marriage was registered on 8-7-2022 (Annexure-2 to the anticipatory bail application). It is further submitted that since the victim in 2021 was above 18 years of age, as such she married the petitioner on her own volition and she is also staying with him and has a child from the wedlock. It is next submitted that had the victim not been a



major in that event the marriage would not have been registered.

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

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bettiah Muffasil P.S. Case No. 449 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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