

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23560 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- MAGADH UNIVERSITY District- Gaya

Anup Kumar son of Shyam Sunder Prasad @ Shyam Sunder Kumar Village-
Prahanda, PS- Cherki Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-05-2024 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 Sections 366(A),
376(3) and 34 of the Indian Penal Code read with Sections 4 and
6 of the POCSO Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant. It is next
submitted that daughter of the informant was in love with one
Chandan and thus she eloped, but the informant despite being
aware of said relationship instituted the instant case alleging that
his minor daughter was kidnapped by the petitioner.

4. The learned counsel for the petitioner next submits



that the victim has come back and her statement was recorded under Section 164 of the Cr.P.C. (*Annexure-2*) wherein she disclosed her age as 15 years and stated that she was in love with Chandan for the last four years and she, on her own volition, had left for Delhi with Chandan where they married and even established physical relation, further stated that petitioner had come to see them off. The learned counsel submits that from perusal of the statement of the victim as recorded under Section 164 of the Cr.P.C., it would manifest that she, on her own volition, had left with Chandan, but then the victim is a minor as per age disclosed before the learned Magistrate while her statement was being recorded under Section 164 Cr.P.C. It is further submitted that in the medical examination, the victim was assessed above 19 years. It is further submitted that since the victim was not ready to support the prosecution, as such, under parental pressure, she was made to disclose her age as 15 years in absence of any documentary evidence. It is also submitted that as far as this petitioner is concerned, the only allegation against him is that he had come to see off the victim and Chandan.

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 Magadh University P.S. Case No. 189 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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