

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36609 of 2024

Arising Out of PS. Case No.-348 Year-2022 Thana- MAHARAJGANJ District- Siwan

Santosh Kumar @ Santosh Sah S/O RAJESH SAH R/O VILLAGE- Arna,
P.S.- MASHRAKH, DIST- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv.
For the State : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and Mr. Dilip

Kumar No.1, learned APP for the State.

2. Petitioner is apprehending his arrest in connection with
Maharajganj P.S. Case No.348/2022, registered for offence
punishable u/s 366(A)/34 of the IPC and 4/6 of the POCSO Act.

3. Allegedly, the petitioner is said to have abducted the
minor daughter of the informant for the purpose of marriage.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence.
He has been falsely implicated in this case due to ulterior
motive. No such occurrence in the manner as alleged has ever
taken place. It is submitted that the statement of the victim was
recorded u/s 164 Cr.P.C. in which, she has stated that she was in
love with the petitioner and has married with him and after
marriage, gave birth to a child and wants to go with the



petitioner to his service place. It is further submitted that the informant has filed a compromise petition before the learned Court below and has accepted the marriage of petitioner and her daughter. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner and the victim is a minor.

6. Considering the aforesaid facts and circumstances and that the victim is a minor, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering that the petitioner and the victim have solemnized marriage and in her statement, the victim has stated that she wants to live with the petitioner.

(Anjani Kumar Sharan, J)

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