

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41508 of 2024

Arising Out of PS. Case No.-245 Year-2021 Thana- DHAKA District- East Champaran

Chandan Ram SON OF RANDHIR RAM VILLAGE- DHAKA NAYA TOLA
PS- DHAKA DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Ms. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2024 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 365,
366(A) and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant who is father of
the victim. It is next submitted that the informant was well
aware of the fact that victim and the petitioner were in love and
they had eloped, as such, the instant FIR came to be instituted
after a delay of ten days, when the date of occurrence is
07.05.2021 and the FIR came to be instituted on 17.05.2021
which amply demonstrates that informant was aware that the



victim on her own volition had left with the petitioner. It is further submitted that the statement of the victim was recorded under Section 164 Cr.P.C. wherein she has not supported the case of the prosecution rather has stated that she has married the petitioner and she had gone with the petitioner on her own volition. It is further submitted that petitioner and the victim are happily married and are staying together and out of the wedlock, a child was born who is also staying with them. The learned counsel next submits that the victim is a major but in order to give seriousness to the case, the informant falsely in the FIR alleges that victim is a minor aged about 15 years. It is also submitted that medical report though assessed the victim in between fifteen and a half to sixteen and a half years, but then the said report is also not sacrosanct. It is next submitted that even presuming that victim was aged in between sixteen and a half to seventeen years, then also she had reached the age of discretion. It is further submitted that no useful purpose would be served by sending the petitioner to jail at this stage.

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 trial court 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 trial court where the case is pending/successor court in connection with Dhaka P.S. Case No. 245 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. Accordingly, the present anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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