

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47412 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- AMARPUR District- Banka

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1. PRAMOD THAKUR SON OF LATE UPENDRA THAKUR RESIDENT OF VILLAGE - KUMARPUR, POLICE STATION - FULLIDUMAR, DISTRICT - BANKA
 2. ASHA DEVI WIFE OF PROMOD THAKUR RESIDENT OF VILLAGE - KUMARPUR, POLICE STATION - FULLIDUMAR, DISTRICT - BANKA
 3. RUPESH KUMAR SON OF PRAMOD THAKUR RESIDENT OF VILLAGE - KUMARPUR, POLICE STATION - FULLIDUMAR, DISTRICT - BANKA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. JHAKASU TANTI SON OF LATE NASIB TANTI RESIDENT OF VILLAGE - DUMODIH, POLICE STATION - FULLIDUMAR, DISTRICT - BANKA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 10-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners apprehend their arrest in connection with Amarpur (Fullidumar) P.S. Case No. 245 of 2023 registered for the offences punishable under Sections 366A and 34 of the Indian Penal Code to which Section 4 of the POCSO Act has been added subsequently.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been



implicated in this case merely for the reason that they are father, mother and brother of Shivnandan with whom the minor daughter of the informant had fled. It is next submitted that the victim and Shivnandan were apprehended and the statement of the victim was recorded under Section 164 Cr.P.C wherein she has stated that while she was going to school on 03.04.2023 along with Sapna she called Shivnandan as they were knowing each other for the last one year. Thereafter on 03.04.2023 they performed their marriage, after performing marriage they went to Bhagalpur by train and from there to Rajkot, also submits that since her mother intended to get her married some where else as such she eloped and even had physical relation with Shivnandan.

4. The learned counsel fairly submits that no doubt the victim has not supported the case of the prosecution but then her age has been disclosed in her statement recorded under Section 164 Cr.P.C as 16 years. As such she is a minor and consent of the minor does not have any relevance but then submits that the petitioners were not involved in the occurrence and they came to be implicated being relative to Shivnandan as recorded in the FIR.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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.10,000/- (Rupees Ten Thousand) each 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 Amarpur (Fullidumar) P.S. Case No. 245 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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