

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46842 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- SINGHESHWAR District- Madhepura

Dilkhush Kumar Son of Dharendra Mandal R/O Vill.- Tarha, Ward no. 04,
P.S.- Singheshwar, Dist.- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-08-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 363, 366A and 34 of the IPC in connection with Singheshwar P.S. Case No.144 of 2023.

3. The learned counsel for the petitioner submits that the informant alleges that on 26.05.2023 the petitioner along with other accused persons kidnapped his minor daughter with an intention to marry. It is next submitted that from perusal of the FIR, it would manifest that the same came to be instituted on 02.06.2023, when the date of occurrence is alleged to be 26.05.2023 I.e the FIR was instituted after a delay of seven days.

4. It is next submitted that victim and the petitioner



were in love and they eloped. It is also submitted that informant was aware of the relationship of his daughter with the petitioner, as such *panchayati* was being held, but since informant was not willing to marry the victim with the petitioner as such the victim did not return and performed her marriage with the petitioner. It is also stated and pleaded that out of the wedlock a child was born who presently is with the victim, who is in remand home. It is further submitted that the statement of the victim was also recorded under Section 164 Cr.P.C. wherein she has stated that her parents had locked her in a room as such she after breaking the window fled and went to the house of the petitioner from where they fled, further she stated that she intends to go with the maternal aunt (Mausi) of the petitioner.

5. The learned counsel submits that since victim was not willing to accompany her parents as such she has been sent to remand home. It is also submitted that the statement of the victim was recorded under Section 164 Cr.P.C. on 03.10.2023, when she was three months pregnant. It is also submitted that thereafter she gave birth to a child in the remand home who is staying with her. It is next submitted no doubt the age of the victim as disclosed in her statement recorded under Section 164 Cr.P.C. is 16 years, but then it is submitted that in age of



technological revolution the children are gaining maturity at an early age, it is also submitted that the victim had reached the age of discretion. It is further submitted no useful purpose would be served by sending the petitioner to jail, when a child out of the wedlock has also been born.

6. The learned APP opposes the anticipatory bail application.

7. 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, VI-cum-Special Judge, POCSO, Madhepura in connection with Singheshwar P.S. Case No.144 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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