

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48652 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- DUMRAO District- Buxar

=====

Ankit Kumar, son of Sudarshan Yadav, Village- Nandan, Ps- Dumraon, Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Devi, Wife of Suresh Pasi, resident of Village- Nandan, Ward no.-5, P.S.- Dumaron, District- Buxar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard Mr. Rajiv Ranjan Kumar Pandey, learned Advocate appearing on behalf of the petitioner, Mr. Ram Sevak Choudhary, learned Additional Public Prosecutor for the State and Mr. Amit Kumar Pandey, learned Advocate representing the informant.

2. The application for grant of bail to the petitioner who is in custody in connection with Dumraon P.S. Case No. 71 of 2024 registered for the offence punishable under Sections 363 and 366(A) of the Indian Penal Code and Section 8/12 of the POCSO Act.

3. Based upon the written report the prosecution alleges that the daughter of the informant went for coaching on



02.03.2024 however, she did not return, thereafter all the efforts have taken to search her whereabouts, but to no effect. Suspicion has been raised that the petitioner has enticed away the victim girl by alluring and misguiding her for the purposes of marriage.

4. Learned Advocate appearing on behalf of the petitioner contended that the *prima facie* from the written report it appears that the victim was in love with the petitioner and later on when the victim was apprehended, her statement was recorded under Section 164 of the Code of Criminal Procedure, wherein she has categorically stated that she voluntarily left her house and went to Coimbatore alongwith the petitioner and solemnized marriage. It is also stated that neither there was any inducement, nor she was subjected to force for commission of establishing physical relationship. The petitioner is a man of fair antecedent and now he has been incarcerated since 30.03.2024.

5. On the other hand, learned Additional Public Prosecutor for the State as well as the informant vehemently opposes the bail application and submits that from the medical report it would be evident that the victim was a minor and her age has been assessed between 15 and 17 years. The date of birth certificate also suggest that on the alleged date of occurrence she was of 16 years and, as such, her willingness and



consent is of no use. Moreover, the police later on submitted chargesheet under Section 376 of the Indian Penal Code and the materials available on record attracts the penal provision of the POCSO Act.

6. Regard being had to the submissions made on behalf of the parties and considering the age of the victim as recorded in the medical examination and also the fact that the police after investigation submitted chargesheet under Section 376 of the Indian Penal Code alongwith other penal provision of the POCSO Act, this Court is not persuaded to enlarge the petitioner on bail however, the petitioner shall be at liberty to renew his prayer for bail after deposition of the victim girl is recorded.

7. The prayer for bail of the petitioner stands rejected for present.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

