

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54140 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- MAHILA PS District- East Champaran

Parmeshwar Kumar S/o Kamal Dubey R/o vill - Jolghanwa, P.S. - Jitana,
Distt. - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Babu S/o Yogendra Sah R/o vill - Jokghanwa, P.S. - Jitana, Distt. - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar li
For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2024 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 366, 376 and 34 of the Indian Penal Code read with Sections 4 and 6 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a young boy aged about 21 years.

4. The informant alleges that accused persons including the petitioner kidnapped his minor daughter aged about 17 years 6 months on 12.04.2024 and took her to a temple



where she was married to the petitioner despite her protest, accordingly, he informed the police on 13.04.2024, but no FIR was instituted, but petitioner returned his daughter, next alleges that his daughter on coming back home disclosed that petitioner had earlier raped her in January and March, 2024.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant who is father of the victim. It is further submitted that petitioner and the victim were in love and they eloped and they performed their marriage. It is next submitted that it absolutely does not stand to reason that if petitioner had any ill intention, then he would never have returned the victim back to her father after performing his marriage. It is also submitted that victim has not supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C. It is also submitted that victim is a major, but then in order to give seriousness to the case, the informant in the FIR alleged that victim is aged about 17 years six months. It is also submitted that even presuming what has been alleged is true then victim had reached the age of discretion, but then she is a major and has not supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C.



6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Mahila P.S. Case No. 11 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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