

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58358 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- SABAUR District- Bhagalpur

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Balbeer Kumar Son of Late Dinesh Mahto R/V- MAHISA MUNDA, P.S.-
KAHALGAON, DISTT.- BHAGALPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Champa Devi Wife of Vilash Mandal R/V- Village- Saalpur, P.O.-
Prasashtdih, P.S.- Goradih, Distt.- Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Mohan
For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-10-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Sabour Police Station Case No. 155 of 2023,
disclosing offences under Sections 366A read with Section
120B and 34 of the Indian Penal Code and Section 8 of the
POCSO Act.

3. As per the prosecution case, the minor daughter of
the informant was abducted by the petitioner.

4. Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case
inasmuch as there was love relationship between the petitioner
and the victim girl and the girl went with the petitioner willingly
and both have solemnized marriage.

5. On the other hand, learned counsel for the State



referring to the case diary and the statement of the victim girl recorded under Section 164 Cr.P.C., submits that victim was minor and as per the FIR, at the time of occurrence, her age was 13 years and at the time of recording her statement under Section 164 Cr.P.C. on 06.02.2024, she has disclosed her age as 15 years. In the statement under Section 164 Cr.P.C., the girl has said that the petitioner, along with some other accused persons, forcibly kidnapped her and took her to Tulsipur where he, against the will of the girl, put vermilion. Thereafter, the petitioner took her to Ludhiana where she was kept under confinement. She was being tortured by the petitioner also.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the statement of the victim girl recorded under Section 164 Cr.P.C. and the fact that the girl was minor, I am not inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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