

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57737 of 2024**

Arising Out of PS. Case No.-33 Year-2022 Thana- ANTICHAK District- Bhagalpur

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Suman Kumar @ Suman Kumar Thakur Son of Manohar Thakur Resident of  
Vill- Kaliprasad, P.S.- Pirpainty, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |                       |
|----------------------------|-----------------------|
| For the Petitioner/s :     | Mr.Pravin Kumar Sinha |
| For the Opposite Party/s : | Mr.Binod Kumar        |
|                            | Mr. Nirbhay Prashant  |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      10-09-2024              1.    Heard learned counsel for the petitioner, learned A.P.P. for the State and learned advocate, Nirbhay Prashant, appearing on behalf of the victim.
2.    The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 366A and 34 of the Indian Penal Code.
3.    Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that his minor daughter aged about 14 years was kidnapped by the petitioner along with Sonu and Mala.
4.    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 next submitted that



the petitioner and the victim were in love and they eloped. It is next submitted that the statement of the victim was also recorded under Section 164 Cr.P.C as well as under Section 161 Cr.P.C. It is further submitted that victim did not support the case of the prosecution rather had stated that she was a major and in support whereof a notarized affidavit was also sworn that she was in love with the petitioner and she eloped and has performed her marriage. It is also submitted that the age of the victim was assessed by the doctor and she was assessed in between 17 to 19 years but then the learned trial court placing reliance on admission register of the school rejected the anticipatory bail application of the petitioner on the ground that on the date of occurrence, the victim was a minor as her date of birth in the admission register was recorded as 5-1-2008. It is next submitted that the admission register is not a document on which reliance can be placed in terms of the J.J. Act. It is further submitted that medical assessment of her age was also done and she was found in between 17-19 years as such the benefit should come to the petitioner that victim on the date of occurrence was 19 years.

5. Learned counsel for the victim also submits that her father falsely implicated the petitioner when victim is a



major and is leading a happy and peaceful conjugal life with the petitioner.

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 and the victim, 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 Antichak P.S. Case No. 33 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

SUMIT/-

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