

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60131 of 2024

Arising Out of PS. Case No.-477 Year-2023 Thana- JAKKANPUR District- Patna

Barun Kumar Maharaj @ Barun Bhardwaj S/o Mohan Maharaj R/o vill -
Morwara, Ward No 3, P.O and P.S- Morwara, Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanotsh Kumar S/o Kedar Nath Singh R/o vill - Mohabatpur, Post - Ranipur,
P.S. - Paliganj, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar
For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-08-2024 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(A)/34,
363 and 376 of the Indian Penal Code, Sections 4 and 6 of the
POCSO Act read with Section 9 of the Prohibition of Child
Marriage Act.

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 enticed
away by Om Kumar on the pretext of marriage, further Nigam
and Muskan also were instrumental in enticing her daughter to



flee.

4. Learned counsel for the petitioner submits that petitioner came to be implicated in the instant case during the course of investigation when it transpired that the victim had eloped with the petitioner and was recovered from his house. It is further submitted that petitioner and the victim were in love. It is next submitted that informant, in order to give serious colour to the case, falsely in the FIR alleged that his daughter is a minor aged about 14 years based on a private school certificate, but when the doctors assessed the age of the victim, she was found in between 17-19 years. It is also submitted that the statement of the victim was recorded under 164 of the Cr.P.C. wherein she did not support the case of the prosecution rather stated that she was in love with the petitioner and has also married her voluntarily on her own freewill without there being any pressure on her from anybody and is also carrying a pregnancy of 26 weeks and 4 days. It is further submitted that the statement of the victim as recorded under Section 164 Cr.P.C. is available on record by way of *Annexure-2* to the anticipatory bail application. It is also submitted that in view of the assessment of the age of the victim by the doctor, it would manifest that victim had reached the age of discretion.



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

6. Considering the submissions made by the learned counsel for the petitioner and the fact that victim has not supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C and doctors have assessed her in between 17-19 years, 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 Jakkanpur P.S. Case No. 477 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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

(Satyavrat Verma, J)

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