

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62245 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- GOVINDGANJ District- East
Champaran

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Ankit Kumar Thakur @ Ankit Kumar, Son of Jai Prakash Thakur Resident of
Village- Harsidhi Pakariya, P.S. - Harsidhi, District - East Champaran,
Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jawahar Thakur, Son of Late Baleshwar Thakur Resident of Village - Barwa,
P.S. - O.P. Areraj, District - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh
For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 16-12-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 363, 366(A)/ 34 of the Indian Penal Code and Section
8 of the POCSO Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and has been
falsely implicated in the instant case by the informant. It is next
submitted that petitioner and the victim were in love and they
eloped. It is further submitted that the victim has come back and
her statement under Section 164 Cr.P.C. has been recorded



wherein she has disclosed her age as 20 years. It is also submitted that the learned Magistrate assessed the age of the victim as 19 years while medical board assessed her in between 17 ½ and 18 ½ years. It is next submitted that the victim in her statement recorded under Section 164 Cr.P.C. has not supported the case of the prosecution rather has stated that she performed marriage with the petitioner and thereafter, they went to Nepal and returned on 18.06.2023. It is next submitted that the aforesaid facts stands recorded in the order impugned.

4. Learned A.P.P. opposes the anticipatory bail application and submits that the impugned order also records that as per school certificate of the victim her date of birth is recorded as 02.06.2008, as such, on the date of occurrence, she was 14 years, 11 month and 19 days.

5. Th the learned counsel appearing on behalf of the petitioner rebuts the said submission of the learned A.P.P. and submits that the victim herself has disclosed her age as 20 years. The learned Magistrate assessed her age as 19 years, the medical board assessed the age of the victim in between 17 ½ and 18 ½ years and as far as school certificate is concerned, the same is not matriculation certificate, as such, is not a document to be relied for determination of age in terms of Section 94 of



the Juvenile Justice (Care and Protection of Children) Act, 2015

6. 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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge POCSO, Motihari, East Champaran in connection with Govindganj (Areraj) P. S. Case No.307 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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