

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64252 of 2024

Arising Out of PS. Case No.-418 Year-2018 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Avinash Kumar Verma @ Nand Kishor Sahu, Son of Indradeo Sahu, R/o Village-Benipur Brahampatti, Via- Bahera, Prakhand- Benipur, District- Darbhanga
2. Abhilash Kumar Verma @ Laltun Sahu, Son of Indradeo Sahu, R/o Village-Benipur Brahampatti, Via- Bahera, Prakhand- Benipur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Gupta, Adv.
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 16-12-2024 Heard Mr. Prakash Chandra Gupta, learned counsel
for the petitioners and Mr. Raj Ballabh Singh, learned APP for
the State.

2. The petitioners apprehend their arrest in connection with Mohania P.S. Case No. 418 of 2018 dated 06.07.2018 registered for the offence punishable under section 366A read with section 34 of the Indian Penal Code (in short 'IPC').

3. The main submissions advanced by learned counsel appearing for the petitioners are that the petitioners have fair and clean antecedent and the alleged offence under section 366A of IPC, under which the FIR has been registered,



is completely not made out against the petitioners in this matter in view of the statement made by the so-called victim before the Judicial Magistrate, in fact the informant's daughter was being harassed by the informant himself, owing to which, the victim herself left the house of the informant according to her own will and later on, solemnized marriage with petitioner No. 1 and thereafter, two children have born out of their conjugal relationship whose birth certificates have been filed with this petition as Annexure-2 series and in the present time, the informant's daughter is residing with petitioner No. 1 as his wife and the petitioner No. 2 is elder brother of the petitioner No. 1. It is further submitted that during investigation, the victim was not medically examined for ascertaining her age and no reliable documentary evidence was given to prove the victim's age and while recording her statement before the Judicial Magistrate, the victim disclosed her age as 24 years.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioners.

5. Considering the above submissions advanced by petitioners' counsel, this Court is inclined to grant the relief of anticipatory bail to the petitioners. Accordingly, let the petitioners named-above, in the event of their arrest or surrender



before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Mohania P.S. Case No. 418 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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