

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71112 of 2024

Arising Out of PS. Case No.-204 Year-2022 Thana- SUPAUL District- Supaul

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Jitendra Thakur @ Mushkil Son of Sri Sudhir Thakur @ Anil Thakur
Resident of Village- Karnpur, Ward No.8, P. S.- Sadar Supaul District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pashupati Thakur @ Bam Bam Thakur Son of Late Nasib Thakur R/O Vill.-
Karnpur, Ward no. 07, P.S.- Supaul, Dist.- Supaul.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-11-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Supaul PS case no. 204 of 2022, disclosing
offences punishable under Section 366A and other allied
sections of the Indian Penal Code and Section 4 of POCSO Act.
3. The prosecution story, as per the First Information
Report, is that the daughter of the informant used to go to the
house of her neighbour Rupam Devi for learning stitching. It is
alleged that on the instigation of said Rupam Devi, informant's
daughter came in contact with her brother-in-law i.e. the
petitioner herein, who allured the minor daughter of the



informant. It is further alleged that on 21.02.2022, on the occasion of *Gauna* of the elder daughter of informant, petitioner along with other co-accused persons kidnapped the minor daughter of the informant.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to the fact that petitioner and victim girl was having love relationship and had solemnized marriage as the victim was matured enough to take her own decision. The statement of the victim girl was recorded under Section 164 Cr.P.C., as per the order dated 15.12.2022, passed by this Court in Cr.W.J.C. No. 1393 of 2022, filed by the victim girl, in which she has not supported the version of F.I.R. and has stated that she went with the petitioner voluntarily and has solemnized marriage with him on her own will and volition. He also submits that the victim girl was already major at the time of filing of Cr.W.J.C. No. 1393 of 2022.

5. Regard being had 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 at the time of filing of criminal writ application by the victim girl, she was already major, I am inclined to grant the



privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge VI-cum-Special Judge, POCSO Act, Supaul in connection with Supaul PS case no. 204 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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