

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66237 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- JOGBANI District- Araria

Sahnawaj @ Md. Sahnawaz Alam @ Md. Sahnawaz S/O Md. Abul @ Abul
R/O Village- Fenagarh, P.S- Jogbani (BATHNAHA O.P), Distt.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 07-05-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State along with learned counsel for the informant.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 365, 366A
and 34 of the Indian Penal Code and Section 8 of POCSO Act.
3. The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the
informant, who is mother of the victim. It is next submitted that
the petitioner and the victim were in love and they eloped and
this fact was in knowledge of the informant as such, the FIR
came to be instituted after a delay of more than 10 days as the
date of occurrence is of 21-2-2023 and the FIR was instituted on
4-3-2023. It is further submitted that the victim has come back
and her statement was recorded under Section 164 Cr.P.C.,



wherein she has not supported the case of the prosecution and has disclosed her age as 17 years, but then the age was disclosed at the instance of her family members in order to make out the case that the victim is a minor, when from perusal of paragraph 104 of the case diary, it would manifest that the same records that the doctors have assessed the age of the victim as 18 years. It is also submitted that the victim is not a minor but then her certificates are in possession of the informant as such, the same could not be brought on record, nor any documentary evidence on behalf of the informant has been brought on record to substantiate that the victim is a minor. It is also submitted that even presuming what has been alleged is true without admitting, then the victim has reached the age of discretion.

4. The learned APP along with the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then the learned counsel appearing on behalf of the informant fairly submits that the victim has not supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C.

5. 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 trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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 Jogbani (Bathnaha) P.S. Case No. 58 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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