

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70864 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- KALYANPUR District- East Champaran

Nitish Kumar @ Nitesh Kumar Son of Devilal Bhagat Village- Mehshi Tola
Mohabbat Chhapra, Ps- Mehshi, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shri Devi Wife of Lalbabu Sahni village- Hira Chapra Panchayat
Sambhuchak, Ps- kalaynpur, dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adarsh Ranjan

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2024 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 363 and
366A of the Indian Penal Code and Section 8 of POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that the named accused persons including the petitioner
kidnapped his minor daughter on 28-4-2023 at 8.00 PM, when
she had gone to attend nature's call in a *litchi* orchard.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the



informant. It is further submitted that petitioner and the informant were in love and they eloped. It is also submitted that victim has not supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C. and has disclosed her age as 20 years. It is fairly submitted that the learned Magistrate assessed the age of the victim as 16 years, but then the Medical Board has determined the age of the victim in between 17 ½ to 18 ½ years, further the date of birth as recorded in the school certificate shows that the date of birth of the victim as 17-3-2007 as such it appears that the learned Magistrate based on school certificate assessed her age as 16 years. It is submitted that the birth certificate issued by her school has been manipulated by parents of the victim in order to hold her a juvenile. It is also submitted that victim in her statement recorded under Section 164 Cr.P.C has stated that she along with petitioner went to Patna where they resided in a rented room and solemnized marriage in a temple. Learned counsel next submits that even petitioner does not dispute the marriage.

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, 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 Kalyanpur P.S. Case No. 154 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

SUMIT/-

U		T	
---	--	---	--

