

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78748 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- BHAGWAN BAZAR District- Saran

Guddu Kumar @ Guddu S/o Bijay Kumar Resident of Mohallah- Bank Colony, Bhagwan Bazar, P.S- Bhagwan Bazar, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XYZ w/o Amit Shukla R/o vill - Masti Chak, P.S. - Ahiyapur, Distt.- Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 28-11-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bhagwan Bazar Police Station Case No. 89 of 2024, dated 28.02.2024, disclosing offences punishable under Section 366-A of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the marriage of the informant was solemnized with the victim girl on 18.02.2024. On 28.02.2024, while the informant had visited the parental house of his wife, along with his wife, she was kidnapped by the petitioner.
4. Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case on the basis of concocted story. The fact of the matter is that the petitioner and the victim girl was having love relationship prior to her marriage and the victim girl had eloped with the petitioner on her own accord willingly. Though the statement of the victim girl recorded under Section 161 of the Code of Criminal Procedure, 1973, is supporting the prosecution story, but she was produced by the police before the learned Magistrate and her statement was recorded on her free will under Section 164 of the Code of Criminal Procedure, 1973, in which she has stated that the petitioner is her boy friend and she stayed with the petitioner voluntarily and want to go with him and not with her mother. She also stated that the petitioner has not sexually abused her. He next submits that the medical report of the victim girl suggests her age between 18 and 20 years.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973, I am inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 Sessions Judge -cum- Exclusive Special Judge, POCSO, Saran, at Chapra, in connection with Bhagwan Bazar Police Station Case No. 89 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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