

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81631 of 2024

Arising Out of PS. Case No.-190 Year-2024 Thana- KHIJARSARAI District- Gaya

Sachin Kumar Son of Subodh Kumar Resident of Village - Sahbazpur, P.S. -
Khizersarai in the district of Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sandeep Kukmar Son of Late Surendra Singh Resident of Village - Lodipur,
P.S. - Khizersarai in the district of Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 02-12-2024
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 Khizersarai Police Station Case No. 190 of 2024, dated
15.06.2024, disclosing offences under Sections 366A/34
of the Indian Penal Code.

3. The prosecution case, as per the First Information Report,
is that on 14.06.2024, while the informant was sleeping
with his family and his daughter was sleeping in another
room at about 03:00 AM, when the informant woke up, he
found that his daughter was missing. It has further been
alleged that the petitioner kidnapped the minor daughter



of the informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that there was love relationship between the petitioner and the victim girl, whose age as per the medical report is between 18 to 19 years. He next submits that the victim girl was examined by learned Magistrate and her statement was recorded under Section 164 of the Code of Criminal Procedure, in which, she has disclosed that her age is 19 years and she has also stated that she willfully eloped with the petitioner as she was in love with him. He further submits that the marriage of the victim girl was fixed with a person of 40 years of age due to which she went with the petitioner and married him and started living as husband and wife.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the statement of victim girl recorded under Section 164 of the Code of Criminal Procedure as referred to in impugned order and the age of the victim girl having assessed by the medical board, 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 four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO Act, -cum- Additional Sessions Judge- VII, Gaya, in connection with Khizersarai Police Station Case No. 190 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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