

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85064 of 2023

Arising Out of PS. Case No.-198 Year-2021 Thana- SANGRAMPUR District- East
Champaran

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Suraj Kumar Son Of Rampravesh Sahni Resident Of Village - Bariyariya, P.S.
- Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Sangrampur P.S. Case No. 198 of 2021, registered for the alleged offence under Sections 363, 366(A), 341, 323/34 of the Indian Penal Code and Section 8 of the POCSO Act.

03. As per prosecution case, the petitioner with the help of other co-accused persons enticed away the minor daughter of the informant with intention to marry with her.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is aged about 20 years and is having no



criminal antecedent. It is a case of love affair between the petitioner and the daughter of the informant and she has not made any allegation of sexual assault against the petitioner. Further, in her statement recorded under Section 164 of Cr.P.C., she has stated that she left her house on 23.08.2022 alone and she went to Nepal with the petitioner. She also stated that she solemnized marriage with the petitioner. Learned counsel further submits that the age of the victim girl was assessed by the learned Magistrate to be 19 years. She also stated about her age to be 19 years. Learned counsel further submits that from the statement of the victim girl, it is evident that no offence under Section 366(A) and Section 8 of the POCSO Act is made out against the petitioner.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the victim girl is of age when she is supposed to have developed sufficient maturity and further considering the voluntary nature of her act and also considering the age of the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of



eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran/concerned court in connection with Sangrampur P.S. Case No. 198 of 2021, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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