

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8212 of 2025

Arising Out of PS. Case No.-189 Year-2023 Thana- KHAJAULI District- Madhubani

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Pramod Kumar Son of Ram Chandra Yadav Resident of village- Behta, Ps-
Khajauli, Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulshan Kumar Son of Hansraj Yadav @ Hansa Resident of village- Behta,
Ps- Khajauli, Dist- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baidyanath Prasad, Adv.
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP
For the O.P. No. 2	:	Mr. Gagan Deo Yadav, Adv.
		Mr. Vinod Kumar, Adv.
		Mr. Rajesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

8 22-08-2025 Heard learned counsel for the petitioner, learned

A.P.P for the State and learned counsel for the opposite party no.

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2. This application has been filed for cancellation of anticipatory bail granted to opposite party no. 2 vide order dated 08.01.2025 passed by this Court in Criminal Miscellaneous No. 89619 of 2024 in connection with Khajauli P.S. Case No. 189 of 2023 dated 04.10.2023 registered for the offence punishable under Sectiond 363, 366A/34 of the Indian Penal Code and later on Section 376 of the I.P.C., Section 4 of POCSO Act and Section 9/10 of Child Marriage Act was also added.



3. The allegation against opposite party no. 2, namely, Gulshan Kumar is that he kidnapped the minor daughter of the informant either for the purpose of marriage or illegal works.

4. Learned Counsel for the petitioner submits that there is specific allegation against opposite party no. 2 to kidnap the minor daughter of the informant. It is submitted that the victim is a minor girl aged about 16 years. It is further submitted that processes under Section 82 Cr.P.C. was issued on 07.01.2025, under Section 83 Cr.P.C. was issued on 10.01.2025 against the opposite party no. 2, which was concealed by the learned counsel of the opposite party no. 2, therefore, the anticipatory bail granted to opposite party no. 2 is not maintainable in the eye of law.

5. On the other land, learned counsel for the opposite party no. 2 opposes the prayer for cancellation of anticipatory bail of opposite party no. 2. It is submitted that the victim girl herself has stated in her statement under Section 164 Cr.P.C. that she got married with opposite party no. 2 in temple and made physical relation as husband and wife and lived together as husband and wife. It is further submitted that the victim was examined by the Medical Board and the age of the victim was assessed as 19 years and no sexual assault was found at the time



of examination. It is also submitted that processes under Sections 82-83 of Cr.P.C. was issued after filling of the anticipatory bail of opposite party no. 2 and there is no suppression of any material of facts before this Court for getting anticipatory bail of opposite party no. 2.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, this Court is not persuaded to cancel the bail of the opposite party no. 2.

7. Accordingly, the application stands dismissed.

(Khatim Reza, J)

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