

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19220 of 2024**

Arising Out of PS. Case No.-146 Year-2022 Thana- RAMGARHWA District- East  
Champaran

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Sekh Eshan @ Ahesan Alam Son Of Sekh Jawed Resident Of Village-  
Belaspur, P.S.-Ramgarhwa, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar, Adv.  
For the Opposite Party/s : Mr. Binay Krishna, Spl PP.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      22-01-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection with Ramgarhwa P.S. Case No. 146 of 2022 registered for the offences punishable under Sections 366A/34 of the Indian Penal Code, Section 8 of the POCSO Act and Sections 3(i)(w)(I) of the SC/ST Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has falsely been implicated in the instant case by the informant for the reason that victim who is the daughter of the informant was in love with the petitioner and they eloped. It is further submitted that both the petitioner and the victim performed their marriage and



out of the wedlock a child was born. It is next submitted that when the victim came to know that the instant FIR has been instituted, she came back and the police took her for medical examination and the doctor assessed her age as 20 years, it is also submitted that the victim's statement was recorded under Section 164 of the Cr.P.C. wherein she did not support the case of the prosecution rather stated that she has married the petitioner. It is next submitted that though in the FIR it is alleged that the victim is minor aged about 13 years but then the said allegation was leveled only to give seriousness to the case without any documentary evidence being given to the police in support of the same. It is next submitted that the order impugned also records the submission made by learned counsel appearing on behalf of the petitioner before the learned trial Court that the Medical Board has determined the age of the victim as 20 years and the victim has married the petitioner. It is further submitted that even the victim disclosed her age as 19 years.

4. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 Court below



within a period of six weeks, are directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court 7<sup>th</sup> Additional Sessions Judge-cum-Special Judge POCSO Act, Motihari, East Champaran in connection with Ramgarhwa P.S. Case No.146 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. Accordingly, the application stands allowed.

(Satyavrat Verma, J)

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