

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14460 of 2025

Arising Out of PS. Case No.-241 Year-2024 Thana- NAGAR District- Vaishali

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Anant Kumar S/O Vishwanath Singh R/O Vill.- Kartahan, P.S.- Kartahan,
Dist.- Vaishali, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/O Anant Kumar @ Anant Raushan R/O Vill.- Jadua near
State Bank, P.S.- Hajipur Town, Dist.- Vaishali, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This is the first regular bail application of the
petitioner seeking his regular bail in connection with Hajipur
Town P.S. Case No. 241 of 2024 registered for the offence under
Sections 366(A) and 376 of the IPC read with Section 6 of the
POCSO Act.

3. According to the case of prosecution, at the time
of alleged incident age of the victim girl was about 15 years. As
per the birth certificate, the date of birth of the victim girl,
which is mentioned in para-61 of the case diary, is 07.02.2009.
It was the case of the prosecution that the present applicant



abducted the victim girl and subsequently, committed sexual intercourse with her for a few days. Initially missing report has been lodged by the mother of the victim girl, on the basis of which offence has been registered. During course of investigation, the statement of the victim girl has been recorded and on the basis of her statement, offence under Section 376 of the Indian Penal Code and Section 6 of the POCSO Act have been added.

4. It is submitted by the learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in the present case. Virtually, the victim girl is a major lady aged about 19 years and both have performed their marriage also and as of now, the victim girl is married wife of the petitioner. Therefore, no offence as alleged by the prosecution is made out against the petitioner. On these grounds, it is prayed that the petitioner may be granted benefit of bail.

5. Learned counsels for the informant as well as the State opposes the arguments raised by the counsel for the petitioner.

6. Heard.

7. Perused the case diary and other materials available on record.



8. Though entries in Adhar Card the date of birth of the victim is mentioned as 07.02.2005, but how and on what basis the said entry has been made, it is not clear at present. Paragraph no. 61 of the case diary clearly indicates that according to the birth certificate of the victim girl, her date of birth is mentioned as 07.02.2009 issued by the competent authority, therefore, it *prima facie* appears that at the time of alleged incident, the age of the victim girl is about 15 years, therefore, she is not able to make any consent. Accordingly, considering the above, I am not inclined to grant the benefit of bail to the present applicant.

9. Resultantly, the application is dismissed.

(Arvind Singh Chandel , J)

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