

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53310 of 2025

Arising Out of PS. Case No.-111 Year-2024 Thana- PIPRA District- Supaul

Chandan Kumar S/o Siyaram Sharma R/o village- Bailokhara, Ward no 2,
P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363 and
366A of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that her minor daughter aged about 14 years had gone to
the shop to buy some articles when she was lured away by the
petitioner and Indal Sharma on a motorcycle for the purposes of
marriage. It is further alleged that father of the informant saw
the accused persons taking the victim away who was present
near a shop and even went to the house of the accused to inquire
when he was abused.

4. Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the instant case by the informant. It is further submitted that petitioner and the victim were in love and they eloped. It is next submitted that victim came back and her statement was recorded under Section 164 Cr.P.C. wherein she has not supported the case of the prosecution rather has stated that she married the petitioner at Thumha Temple. It is thus submitted that since the victim was in love with the petitioner, as such, she eloped on her sweet will and thereafter they performed marriage.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the informant in the FIR alleges that victim is a minor aged about 14 years, though Doctors have assessed her age in between 15-17 years but then it is submitted that what is not in dispute rather stands admitted is that the victim is a minor and consent of minor in law does not have any evidentiary value. Learned A.P.P. fairly submits that had the victim reached the age of discretion i.e. nearing 18 years though not have attained majority in that event also the case could have been considered but in the instant case the victim is admittedly a minor nor there is any pleading in the anticipatory bail application to substantiate that the victim is not a minor or had reached the age



of discretion.

6. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Pipra P.S. Case No. 111 of 2024 pending in the Court of learned Additional District Judge-VI-cum-Special Judge, POCSO Act, Supaul/Successor Court.

7. Hence, the prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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