

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62926 of 2024

Arising Out of PS. Case No.-1041 Year-2023 Thana- MAJHAULIA District- West
Champaran

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Krishna Kumar Son of Sheolochan Paswan Resident of Vill- Semra Writ,
Ward no-10, P.S.- Majhauria, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gayatri Devi W/o Ramesh Paswan Resident of Vill- Semra Writ, Ward no-10, P.S.- Majhauria, Dist- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Sanjeev Kumar
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad, APP
	Mr. Sarvesh Kashyap, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 06-02-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State, Shri. Chandra Bhushan Prasad and learned
counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in connection
with Majhauriya P.S. Case No. 1041 of 2023 registered for the
offences punishable under Sections 363, 366A and 34 of the
Indian Penal Code and Sections 8 and 12 of POCSO Act.

3. The learned counsel appearing on behalf of the
informant, at the outset, submits that from perusal of the
statement of the victim recorded under Section 164 Cr.P.C., it
would manifest that she has not supported the case of the
prosecution rather has stated that she on her own volition had left
her house and eloped with the petitioner and even married to the
petitioner and when she came to know that a case has been



instituted against the petitioner, she came back and got her statement recorded but then draws the attention of the Court to the age of the victim as disclosed in her statement recorded under Section 164 Cr.P.C, wherein she had disclosed her age as 15 years. It is thus submitted that victim was of an impressionable age and petitioner a major, as such offence under the POCSO Act is attracted.

4. Learned APP, Shri. Chandra Bhushan Prasad also supports the said submission of the learned counsel appearing on behalf of the informant.

5. Learned counsel appearing on behalf of the petitioner is not in a position to rebut the said submission of the learned counsel appearing on behalf of the informant.

6. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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