

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68388 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- SANOKHAR District- Bhagalpur

Ankit Kumar Son of Sanjay Singh @ Sanjay Prasad Singh @ Sanjay Prasad
R/o Mohalla- Tilakpur, P.S.- Sanokhar, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anshu Kumari Wife of Pawan Kumar Sharma R/o Village- Dhuave, P.S.-
Sanokhar, District- Bhagalpur, Pin Code - 813204

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ankit Raj, Adv.

For the Opposite Party/s : Ms. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 20-01-2025 Heard learned counsel for the petitioner and Ms. Renu
Kumari, learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with POCSO
Case No. 133 of 2024 arising out of Sanokhar P.S. Case No. 90
of 2024 instituted for the offences under Section 366A of the
Indian Penal Code and Section 8 of the POCSO Act.

3. As per prosecution case, the accusation against the
petitioner of kidnapping the minor daughter of the Informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that there is delay of two days in filing the



F.I.R. that too without there being any valid explanation for the same. In the statement of the victim girl recorded under Section 164 Cr.P.C., she has stated that she on her own will had gone with the petitioner with an intention to marry with him. She has also stated that she solemnized marriage with the petitioner on 10.06.2024 in Kali Temple at Kahalgaon. Thus, the victim girl has not made any allegation of any overt act against the petitioner in her statement. The medical report of the victim also shows that there is no clinical evidence of recent intercourse (within 48 hours). During medical examination, the doctor has assessed the age of the victim girl to be more than eighteen years of age as per radiological examination. The petitioner has no criminal antecedent and is languishing in judicial custody since 13.06.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim girl is minor. He has further submitted that as the victim girl is minor, her consent is not a valid consent in the eye of law and, hence, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case,



the period of custody of the petitioner, the petitioner having no criminal antecedent as also the statement of the victim girl made under Section 164 Cr.P.C., let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with POCSO Case No. 133 of 2024 arising out of Sanokhar P.S. Case No. 90 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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