

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68357 of 2024

Arising Out of PS. Case No.-294 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champanan

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Ravi Kumar Son of Aanandi Prasad @ Anandi Prasad R/O Vill. -
Bhagwanpur, P.S.-Madhuban, Dist.- East Champanan at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXXXXXX C/o Late Bhairogiri R/O Vill.- Dhekha Bazar, P.S.- Muffasil,
Dist.- East Champanan at Motihari.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Adv
For the State:		Mr.Anant Kumar I, APP
For the Informant		Mr. Vijay Sharan Srivastave, Adv

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 15-04-2025 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends his arrest in connection with

Muffasil P.S. Case No. 294 of 2024 registered for the offences

punishable under Section 366A, 323, 504/34 of the Indian Penal

Code and section 8,12 of the POCSO Act.

3. At the outset, the learned counsel for the petitioner

submits that the present case has been lodged after a delay of 25

days inasmuch as the date of occurrence was 27.5 2024 and the

FIR has been lodged on 21.06.2024, and no plausible

explanation has been tendered for such delay. By an earlier

order, the diary and section 164 Cr.P.C statement of the victim



girl had been called for which are available on the record.

4. On a perusal of the statement of the victim girl recorded under section 164 of the Cr.P.C, it would appear that she has made statement that she had gone alone to Patna voluntarily on the date of occurrence by means of a bus. She has mentioned the name of the petitioner but she only stated that he got her job of applying mehndi for which she used to get Rs. 2000/- per month. She has further stated that when she got the knowledge about the case filed upon the petitioner, she came back to her house and has given the said statement without any threat or coercion.

5. Learned APP for state and the learned counsel for the informant oppose the application for bail on the ground that the girl is a minor. In response to the same, learned counsel for the petitioner points out towards the medical examination report of the victim girl issued by the Sadar Hospital, Motihari contained in paragraph- 65 of the case diary. From perusal, it would appear that the radiological findings show the age of the victim girl between 17 to 18 years. On strength of such report also, learned counsel for the petitioner submits that the present case would not be covered under the POCSO Act.

6 . Taking into consideration all the above mentioned



facts and circumstances and the delay in lodging the FIR and also the statement of the victim girl recorded under section 164 of the Cr.P.C coupled with her age as assessed in the medical examination report, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioner shall 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 the learned Additional Sessions Judge cum Special Judge, POCSO , East Champaran in Muffasil P.S. Case No. 294 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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