

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74749 of 2024

Arising Out of PS. Case No.-450 Year-2023 Thana- UCHKAGAON District- Gopalganj

Dhannu @ Babu Hasan @ Dhan S/o- Abul Hasan Village- Piprahi, P.S.
Uchakagaon, District-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXXX C/o Alanoor Village- Piprahi, P.S. Uchakagaon, District-Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Javed Aslam, Adv
For the State :		Mr.Pranav Kumar, APP
For the Informant		Mr. Satish Kumar Sinha, Adv

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 15-04-2025 Heard learned counsel for the petitioner, learned
counsel for the Informant and the State.

2. Petitioner apprehends his arrest in connection with
Uchakagaon P. S. Case No. 450 of 2023 registered for the
offences punishable under Sections 323, 354, 504, 506, 366A of
the Indian Penal Code and section 4 of POCSO Act.

3. The complaint case was filed by the mother of the
victim girl which was subsequently sent for institution of the
FIR under section 156(3) of the Cr.P.C. The allegation made in
the complaint is that the petitioner had enticed away, the
informant's minor daughter and used to tease her. While the
daughter was being taken away, it is said that the informant/



complainant objected to the same but she was also assaulted by the petitioner. On earlier occasion, the case diary along with 164 Cr.P.C statement of victim has been called for, by order dated 12.11.2024.

4. On a perusal of the statement of the victim girl recorded under section 164 of the Cr.P.C, as recorded in paragraph-42 of the case diary, it would appear that the victim herself stated that she had wanted to get married with the present petitioner but her father refused and also confined her in a room besides assaulting her and kept her deprived of food too. She has further stated in her statement that she had voluntarily left her house at 10.am on the same day and had reached her *sasural* where her treatment was done. She has also made a specific statement that she was already married with the petitioner.

5. Learned counsel for the victim appears today and supports the contention of the petitioner as also the statement of the victim as given under section 164 of the Cr.P.C. The medical report of the victim girl would also show that her age has been assessed between 18 to 19 years.

6. It is submitted by the learned counsel for the petitioner that in such view of the matter, the provisions of



POCSO Act would not applicable.

6. Learned APP for state opposes the bail application and submits that petitioner has one criminal antecedent in which he is on bail.

7. Considering all the above mentioned facts and circumstances and also considering that the victim and the petitioner are staying together as husband and wife which is supported by the learned counsel appearing for the victim and the medical report also shows that the victim is a major, 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, Gopalganj in Uchakagaon P.S. Case No. 450 of 2023, 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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