

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73237 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- CHHATAPUR District- Supaul

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Arun Kumar Mehta @ Arun Kumar Mehata S/o- Yogendra Mehata @
Yogender Mehta Resident of Village- Jibacchpur, Ward No. 02, P.S.-
Bhimpur, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Lagan Singh S/o- Late Asharfi Singh Village- Jhakhargadh W.No-7,
PS.- Chhatapur Dist- Supaul

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Adv.
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-01-2025 Heard Mr. Kamal Kishore Singh, learned counsel

appearing for the Petitioner and Mr. Md. Nazir Ansari, learned

APP for the State.

2. The petitioner apprehends his arrest in connection
with POCSO Case No. 49 of 2024 arising out of Chhatapur P.S.
Case No. 114 of 2024 dated 18.04.2024 registered for the
offences punishable under Sections 363 and 366(A) read with
Section 34 of the Indian Penal Code and Sections 4 and 18 of
the POCSO Act.

3. The main submissions advanced by petitioner's
counsel are that the allegations levelled in the FIR are totally
false, FIR was registered after an inordinate delay of 12 days



after the commission of the alleged occurrence without any proper explanation, in fact, there was love affair between the petitioner and informant's daughter, though, the informant showed the victim's age as fourteen years in the FIR but in the medical examination, victim's age has been opined to be between twenty and twenty two years and in this regard, a specific statement has been made in the paragraph no. 9 of the petition. It is further submitted that the informant's daughter, the so-called victim, has recorded her statement under Sections 161 and 164 of Cr.P.C. in which she flatly denied the facts presented in the prosecution's case and accepted her marital relationship with this petitioner and in the present time, she is residing in the house of the petitioner as his wife. It is further submitted that victim herself appeared before the investigating officer during investigation and the petitioner is a young person having fair and clean antecedent.

4. No one appears on behalf of the O.P. No.2 despite notices having been received by him.

5. Learned APP for the State has not opposed the prayer for bail of the petitioner considering the matrimonial relation in between the petitioner and the informant's daughter.

6. Considering the aforesaid submissions advanced by



petitioner’s counsel, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with POCSO Case No. 49 of 2024 arising out of Chhatapur P.S. Case No. 114 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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