

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79368 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- ANDHRATHARHI District- Madhubani

Satyam Kumar Jha @ Satyam Jha S/o- Mahesh Kumar Jha @ Mantun Jha
Village- Ganauli PS-Andhratharhi Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-04-2025 Heard Mr. Manoj Kumar Jha, learned counsel for the
petitioner and Mr. Nand Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Andhratharhi P.S. Case No. 157 of 2023, F.I.R. dated 07.11.2023 for the offences punishable under Sections 366A, 372, 373 and 34 of the Indian Penal Code.

3. According to prosecution case, it is alleged that the informant's grand-daughter on 18.08.2023 was allured and taken by the petitioner and other co-accused persons and kept her for five days on different places. It has been alleged that the petitioner and other co-accused persons have committed similar occurrence earlier also.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as



alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact, the date of occurrence is 18.08.2023 as alleged but the F.I.R. lodged on 07.11.2023 after delay of about three months without giving any explanation of delay and the statement of the victim was recorded under Section 164 of Cr.P.C. in which she has not supported the case of the prosecution.

5. The learned Additional Public Prosecutor on the basis of material available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that the date of birth of the victim girl is 06.01.2008 which suggests that on the date of occurrence the victim girl was minor and consent of the minor is no consent in the eye of the law

6. Considering the allegation as alleged in the F.I.R and the material available on record, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Andhratharhi P.S. Case No. 157 of 2023 pending in the court of Judicial Magistrate-I, Madhubani.

7. Prayer is refused.

(Rajesh Kumar Verma, J.)

Jyoti Kumari/-

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