

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79458 of 2024

Arising Out of PS. Case No.-70 Year-2023 Thana- KORMA District- Sheikhpura

Abadh kumar, S/O Nandlal Mahto, Resident of village-Bhadausi, P.S- Korma,
District Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Balmiki Mahto S/O Ramu Mahto Resident of village-Bhadausi P.S- Korma,
District Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rizwanul Haque, Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 10-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Korma P.S. Case No. 70 of 2023 dated 03.05.2023 instituted for
the offence punishable under Sections 366A, 504, 506 of the
Indian Penal Code& Section 8 of the POCSO Act.

3. The prosecution case, in short, is that on 25.03.2023
at about 1 am, the petitioner enticed away the informant's minor
daughter/victim. It is also alleged that the family members of the
petitioner threatened the informant and his son with dire
consequences, if they will lodge the case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that the occurrence took place on 25.03.2023 when the victim fled away with the petitioner but the F.I.R. has been lodged on 03.05.2023 after 39 days delay without any plausible explanation. It is also submitted that as per the F.I.R., it is disclosed that earlier the victim also left her house with the petitioner and came back to her parental house. Learned counsel for the petitioner submits that the victim girl was examined who stated her age as 19 years. The victim has also given her statement under Section 164 Cr.P.C. in which the court has assessed her age as 18 years. In her statement under Section 164 Cr.P.C., she admits that she left the house on her own wishes and solemnized the marriage with the petitioner. After the marriage, a child was born. The age of the child is 3 months. The victim resides with her child in her in-law's house. Learned counsel for the petitioner submits that as per the statement of the victim recorded under Section 164 Cr.P.C. as well as the age of the victim, the offence under Section 366A of the Indian Penal Code and Section 8 of the POCSO Act are not attracted against the petitioner. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the



event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Korma P.S. Case No. 70 of 2023, he will be released on bail upon 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 Exclusive Judge (POCSO), Sheikhpura, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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