

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85323 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- Jai Bajrang District- East Champaran

Guddu Kumar @ Vinod Kumar S/O Budhan Sah R/O Village- Mahamada Choubey Tola, P.S- Jai Bajranj, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX, C/O Baldev Sah, R/O Village- Mahamada Choubey Tola, P.S- Jai Bajrang, Distt.- Motihari.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Priyesh Kumar, Adv.
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam, APP
For the Informant	:	Mr. Vatsal Verma, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 04-04-2025 Heard learned counsel for the petitioner, informant and the State.

2. The petitioner makes a prayer for grant of regular bail in connection with Jai Bajrang P.S.Case No. 18 of 2024 registered under section 363, 366A/34 of the Indian Penal Code and Section 8 of POCSO Act.

3. It would appear from perusal of the FIR that on 04.05.2024, the daughter of the informant had gone to the school and did not return. Subsequently, he came to know that she had been enticed away by the petitioner and three others for the purpose of marriage.

4. Learned counsel for the petitioner submits that the



FIR has been lodged on 12.06.2024, i.e., almost 38 days after the date of occurrence and also points out that no substantial and plausible reason has been tendered for the inordinate delay. It is further pointed out from the petition as also from the order rejecting the prayer for bail, that the statements of victim under Sections 161 and 164 of the Cr.P.C. would go to show that she had left the house and reached Delhi alone where she met the petitioner and thereafter, solemnized marriage. It is also submitted that both the petitioner and the victim had been nabbed together from the same place. Further, the three other accused persons of the case have been granted the privilege of anticipatory bail by this Hon'ble Court vide order dated 16.12.2024 passed in Cr.Misc. No. 60173 of 2024.

5. The learned counsel for the informant opposes the bail on the ground that the victim girl is a minor as it would appear that her age has been determined between 15 to 16 years medically. However, the tenor of her statement would show that she has almost reached the age of discretion.

6. It is worth noting that the victim was in love relationship and the statements of the victim under Sections 161 and 164 of the Cr.P.C. are indicative of the fact that she had left the house at her own will without any coercion.



7. Taking into consideration that the petitioner, a young boy aged about 19 years, has no criminal antecedent and is in custody since 24.08.2024, the petitioner is enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th District and Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Jai Bajrang P.S.Case No. 18 of 2024.

(Soni Shrivastava, J)

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