

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79712 of 2025

Arising Out of PS. Case No.-517 Year-2022 Thana- BARHARIA District- Siwan

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Irfan Ali S/o Mukhtar Miya Resident of Village - Dumariya, P.S.- Uchkagaon,
Distt.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXXX W/o YYYY Resident of Village -Ranipur, P.S.- Barharia, Distt.-
Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Opposite Party/s : Ms. Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-01-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363,
366(A) and 34 of the Indian Penal Code & Sections 8 and 17
POCSO Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that her daughter aged about 17 years was kidnapped by
the accused persons including the petitioner for the purposes of
marriage.
4. Learned counsel for the petitioner submits that



petitioner and the victim were in love and they eloped and they have performed their marriage. It is also submitted that victim came back and her statement was recorded under Section 164 Cr.P.C. wherein she disclosed her age as 19 years and the doctors assessed the age of the victim above 22 years. It is also submitted that victim did not support the case of the prosecution rather she stated that she married the petitioner and was staying with him at Delhi. It is next submitted that even presuming what has been alleged in the FIR to be true without admitting that victim was 17 years of age, in that event also victim had reached the age of discretion where she was able to understand the consequences of her act.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, 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 bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barhariya P.S.



Case No.517/2022, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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