

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48180 of 2017

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1. Rajan Shrama Son of Sawarath Lohar, R/o Village Orgawan, P.S.-
Bhagwanpur, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 10-01-2018 Heard learned counsel for the petitioner as well as
learned APP including learned counsel for the informant.

From order dated 05.12.2017, it is evident that
learned lower court without ascertaining status of the victim to be
major or minor by way of conducting an enquiry as directed by
Hon'ble Apex Court in the cases of *Jarnail Singh v. State of
Haryana* reported in *2013 Cr.L.J. 3976*, *Mahadeo v. State of
Maharashtra & Anr.* reported in *(2013) 14 SCC 637*, *State of
Madhya Pradesh v. Anoop Singh* reported in *(2015) 7 SCC 773*.
the Court has opined on its own, considering the age disclosed by
the victim herself during course of her statement under Section
164 CrPC and in likewise manner, the age so ascertained by the
learned Magistrate who had recorded her statement under
Section 164 CrPC and declared her as major. No such kind of
activity is permissible and that being so, the



learned lower court is directed to proceed in terms of direction having been laid down by the Hon'ble Apex Court as referred hereinabove.

The prosecution case as is evident from the written report submitted by the informant Manoj Debey is that his daughter Sony Kumari aged about 14 years found missing since 24.07.2017 at about 7.30 PM, during course of search, he came to know that she has been enticed away by one Sanjog Lohar. Petitioner is the uncle of Sanjog Lohar and from the statement of the victim recorded under Section 164 CrPC (Annexure-3), it is evident that she had not alleged anything adverse to the interest of the petitioner.

Accordingly, petitioner, Rajan Sharma is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of ACJM-V, Kaimur at Bhabhua in connection with Bhagwanpur PS Case No. 109//2017, G.R. No. 1807/17.

(Aditya Kumar Trivedi, J)

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