

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Miscellaneous No.60529 of 2017**

Arising Out of PS.Case No. -141 Year- 2017 Thana -ARIYARI District- SEKHPURA

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1. Dhiraj Kumar Son of Ramkisun Mistri Resident of Village
Raghunathpur, P.S. Ariari (kasar), District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bharat Lal, Adv
Mr. Rabindra Kumar, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

For the Informant : Mr. Ravi Prakash, Adv.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 18-01-2018 Heard learned counsel for the petitioner as well as
learned APP.

Alleged victim shown to be minor, had gone to school along with her younger sister, Sunita Kumari on 28.08.2017, was taken away by the petitioner. During course of investigation, the victim was traced out. Her statement was recorded and on account thereof, after concluding investigation police had submitted final report as mistake of fact. But, the learned lower court after considering the fact that age of the victim as BSEB certificate happens to be 15.04.2000 and so was minor on the date of occurrence whereupon, took cognizance of offence punishable under Section 363 and 366 of the IPC as well as 8 of the POCSO Act. Whenever there happens to be cognizance under



Section 366 of the IPC, minority of the victim becomes disputable.

Moreover, considering the statement of the victim whereunder, she on her own, shown responsible while accompanying the petitioner going to Mumbai and on being informed by her mother, returned therefrom with the petitioner, being aged about more than 17 years inconsonance with the period of custody since 10.10.2017, petitioner, Dhiraj Kumar 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 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Sheikhpura in Ariyari (Kasar) PS Case No. 141/2017 arising out of POCSO Case No.39/2017.

(Aditya Kumar Trivedi, J)

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