

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59056 of 2017

Arising Out of PS.Case No. -97 Year- 2016 Thana -CHANAN District- LAKHISARAI

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1. Ajit Kumar S/o Bhallu Yadav, R/o Village- Jhuriya, P.S.- Chanan,
District- Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Ramchandra Sahani

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 02-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Chanan P.S. Case
No.97/2016 (G.R. No.1219/2016) registered under Sections 366A,
120B, 323 and 34 of the Indian Penal Code but charge sheet has
been submitted under Sections 366A, 120B of the Indian Penal
Code and Section 8 of the POCSO Act, 2012.

As per the prosecution case, the petitioner is said to
have kidnapped the minor daughter of the informant.

It is submitted by learned counsel for the petitioner that
no occurrence as alleged took place. As a matter of fact, the victim
girl is major. In her statement recorded under Section 164 of the
Code of Criminal Procedure, she has stated that she left with the



petitioner out of her own sweet will and used to live with him and finally performed marriage with him. Learned counsel further submits that the Court has assessed the age of victim girl about 18 years at the time of recording her statement. On medical examination, the doctor has assessed the age of the victim girl between 16 to 17 years. It is settled law that the benefit of two years from maximum age assessed by the doctor on medical examination to be given in favour of the defence. The petitioner has been languishing in custody since 29.11.2016.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-1st, Lakhisarai, in connection with Chanan P.S. Case No.97/2016 (G.R. No.1219/2016).

(Prakash Chandra Jaiswal, J)

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