

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58657 of 2018

Arising Out of PS. Case No.-108 Year-2018 Thana- BASOPATTI District- Madhubani

Ranjan Mahto, S/o Rajendra Mahto @ Budur Mahto, resident of village -
Basopatti, P.S.- Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Bikramdeo Singh, Advocate

Sri Sanjay Kumar, Advocate

For the Opposite Party/s : Sri Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-09-2018 Heard Sri Bikramdeo Singh, learned counsel, assisted
by Sri Sanjay Kumar, learned counsel for the petitioner and Sri
Ram Sevak Choudhary, learned Additional Public Prosecutor.

The sole petitioner, apprehending his arrest in
connection with Basopatti P.S. Case No.108 of 2018, registered
for the offence under Section 363/366(A)/ 34 of the Indian
Penal Code, 1860 , has prayed for grant of bail in the event of
his arrest or surrender.

Learned counsel for the petitioner submits that of
course in the F.I.R. it was alleged that victim i.e. daughter of
the informant was aged about 16 years, during investigation,
age of victim was determined by medical board and as per
report of medical board i.e. Annexure -3 to the present petition



according to physical and radiological finding age of the victim was considered as 18 years. Meaning thereby , that victim was adult at the time of the so -called kidnapping. He further submits that on examination of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973 [hereinafter referred to as the “Cr.P.C.”] it is evident that voluntarily the victim with petitioner firstly on motorcycle had gone from Basopatti to Guhati and from Guhati boarding a train the victim with petitioner had gone to Delhi.

Learned Additional Public Prosecutor has opposed the prayer for grant of anticipatory bail, however, on going through the statement of the victim recorded under Section 164 of the Cr.P.C. as well as Annexure -3 to the petition i.e. photo copy of the medical board report which has found the age of the victim as 18 years , I am of the opinion that it is not a case in which prayer for grant of anticipatory bail to the petitioner can be refused.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Ranjan Mahto 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 A.C.J.M. Vth



Madhubani / concerned court in connection with Basopatti P.S.
Case No. 108 of 2018 subject to the conditions as contemplated
under Section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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