

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57320 of 2018

Arising Out of PS. Case No.-33 Year-2017 Thana- SANGRAMPUR District- East
Champaran

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Ajay Mahto @ Ajay Kumar Mahto S/o Jalim Mahto, R/o Vill.- Narullah Dih,
P.S.- Sangrampur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey
For the Opposite Party/s : Mr. Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-11-2018 Heard Mr. Pramod Kumar Pandey, learned counsel
for the petitioner and Mr. J.N. Thakur, learned counsel for the
State.

The petitioner has renewed the prayer for anticipatory
bail in a case registered for the offences punishable
under Sections 363, 366A of the Indian Penal Code and Sections
4/6 of the Protection of Children from Sexual Offences Act,
2012.

The prosecution case got initiated on the basis of
written report dated 15.03.2017 submitted by Ram Bahadur
Pandey to the Station House Officer, Sangrampur Police Station,
East Champaran to the effect that on 12.03.2017 at 5.00 A.M.,
the informant's daughter Jyoti Kumari, aged about 15 years



went outside to ease, but she did not return. Thereafter, the informant tried to locate her and ultimately he came to know that the petitioner Ajay Kumar Mahto has kidnapped her for the purpose of marriage. Thereafter, the informant and some villagers went to the house of the petitioner and where on enquiring about the victim the family members abused the informant.

It appears from the statement recorded under Section 164 Cr.P.C. dated 24.04.2017 that the victim has got her age recorded as 15 years, whereas, the learned Court below assessed her age as 18 years wherein the victim has also affirmed the accusation made against the petitioner.

It is submitted by learned counsel for the petitioner that prima facie it appears to be a case of love affair between the petitioner and the victim. The victim was medically examined on 22.04.2017 wherein her age was assessed between 17 to 18 years during which she stated that she has love affair with the petitioner and subsequently they got married. However, this Court is of the finding that the order of the learned Ist Additional Sessions Judge does not reflect whether the medical examination of the victim was conducted or not and the Court below has already presumed that the victim was not



medically examined. Hence, the prayer for anticipatory bail has been renewed. Moreover, the parties have entered into compromise.

This Court earlier rejected the prayer for anticipatory bail of the petitioner only on the ground that the order of the learned Ist Additional Sessions Judge does not suggest whether that the victim was medically examined or not as mandated under Section 164A of the Cr.P.C. coupled with the fact that the victim in her statement recorded under Section 164 Cr.P.C. got her age recorded as 15 years, whereas, the learned Court below assessed her age as 18 years.

Keeping in view the fact that the case was registered under Sections 363, 366A of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences Act, the compromise being entered into on 08.05.2018 when was case was registered on 15.03.2017, this Court is not inclined to revise the earlier order.

However, keeping in view the medical report and the statement of the victim recorded by the doctor coupled with the age of the victim assessed by the Medical Board, it is a case of consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court



below within a period of six weeks from today in connection with Sangrampur P.S. Case No. 33 of 2017, pending in the Court of learned 1st Additional Sessions Judge -cum- Special Judge, POCSO Act, East Champaran.

With the above observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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