

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2780 of 2018

Arising Out of PS. Case No.-191 Year-2016 Thana- DIGHWARA District- Saran

Sanjay Kumar Singh Son of Sri Ramanath Mahto, Resident of Village-
Chauhani Patti Aami, Police Station-Dighwara, District-Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sonu Kumar @ Ganesh Kumar Mahto Son of Shambhu Mahto, Resident of
Village-Chauhani Patti Aami, Police Station-Dighwara, District-Chhapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary
For the Opposite Party/s : Mr. Sri Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 18-07-2018

The petitioner/informant is the uncle of one Shobha Kumari about whom he has alleged in the FIR that while she had gone out to attend to the call of nature, she was abducted by opposite party no. 2. Hence a case under Sections 366 (A)/34 of the Indian Penal Code was instituted against opposite party no. 2.

The court below granted bail to opposite party no. 2 on the ground that the victim had disclosed her age to be 20 years and there were further proof of the fact that she was more than 18 years of age. A statement was made by opposite party no. 2 before the court below that the victim is a major, which statement was in consonance with the entry made in the Aadhar Card where her date of birth is recorded as 03.09.1998, thereby making her a major on the date when she had married the opposite party no. 2 of her own volition. At the time of giving her statement under Section 164



Cr.P.C., the niece of the informant/petitioner had disclosed her age to be 18 years.

The petitioner/informant has chosen to prefer the present petition seeking cancellation of bail of opposite party no. 2 on the ground that the same has been obtained on incorrect facts regarding the age of the majority of his niece/victim. Two certificates have been brought on record by the petitioner showing that at the time of marriage, his niece was 14 years of age.

In response to the aforesaid petition, learned counsel for the opposite party no. 2 has drawn the attention of this Court to the fact that a correction was made in the Aadhar Card on the statement of the victim which disclosed that she was a major at the time of the occurrence/marriage.

Be that as it may, the opposite party no. 2 is happily married with the niece of the informant/petitioner and from the wedlock, a child also has been born.

This Court is not inclined to get into any further details with respect to the age of the victim.

The present petition seeking cancellation of bail, which has been filed on non-est grounds, is dismissed.

(Ashutosh Kumar, J)

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