

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6552 of 2018

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

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Ajay Mahto @ Ajay Kumar Mahto, S/o Jalim Mahato, Resident of Village-
Belava Madho, P.S.- Kotwa, Dist- East Champanan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anang Mohan Sinha, Adv.

For the Opposite Party/s : SRI GANESH PRASAD SINGH, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2018 Heard learned Counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest 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 14.03.2017 submitted by Ram Bahadur Pandey to
the Station House Officer, Sangrampur, East Champanan Police
Station 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 came to know that the



petitioner Ajay Kumar Mahto kidnapped her for the purpose of marriage. Thereafter, the informant and some villagers went to the house of the petitioner, where, the family members abused the informant.

It appears that in the statement recorded under Section 164 of the Cr. P.C., the victim got her age recorded as 15 years, whereas, the learned Court below also assessed her age as such and has supported the accusation.

It is submitted by learned counsel for the petitioner that *prima facie* it appears to be a case of love affairs. Moreover, the impugned order does not suggest that any medical examination of the victim has been done.

Considering the nature of accusation, particularly, the age of the victim assessed by the learned Court below, this Court is not inclined to enlarge the petitioner on anticipatory bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, keeping in view the fact that the impugned order does not suggest that the victim's medical examination was done, as mandated under Section 164A of the Cr. P.C., if he surrenders before the learned Court below within a period of six weeks in connection with Sangrampur P.S. Case No. 33 of 2017, pending before the learned 1st Additional Sessions Judge-cum-



Special Judge, POCSO, Act, East Champaran.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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