

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32850 of 2019

Arising Out of PS. Case No.-296 Year-2018 Thana- HISUWA District- Nawada

SHIV KUMAR @ CHHOTU @ CHHOTE, Male, aged about 16 years Son of
Dilip Prasad Resident of Village Kali Asthan Hisua, P.S.- Hisua, District-
Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 20-05-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 366-A of the Indian Penal
Code.

The allegation against the petitioner is that he along
with others kidnapped the minor daughter of the informant but
after some days the victim returned to her home and she got
recorded her statement under Section 164 of the Cr.P.C. in
which she claimed that she was forcibly taken away by the



petitioner at different places. The statement of victim goes to show that she has nowhere mentioned about her sexual exploitation by the petitioner. The victim was aged about 15 years as per her statement recorded under Section 164 of the Cr.P.C. However, the petitioner also claims himself to be aged about 16 years and the submission on his behalf as well as impugned order go to show that his claim of juvenility was rejected by the concerned court.

Learned counsel appearing for the petitioner submits that as a matter of fact, the petitioner and victim were classmate since their childhood and they were in love. He further submits that petitioner and victim used to talk on mobile and to chat at the platform of Whatsapp. To fortify the above stated contention, he drew my attention towards the typed script of Whatsapp chat as well as some photographs of victim as well as petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner is in jail custody since 11.10.2018, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional



Sessions Judge, Nawada in connection with Special (POCSO)
Case No. 09 of 2019 arising out of Hisua P.S. Case No. 296 of
2018.

(Hemant Kumar Srivastava, J)

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