

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29605 of 2021**

Arising Out of PS. Case No.-17 Year-2021 Thana- RAJAON District- Banka

MIKKU @ MIKKI HARIJAN S/o Sanjay Harijan R/o village- Kathchatar,
P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 07-12-2021 Heard the learned counsel for the petitioner and the learned APP for the State, Ms. Anita Kumari Singh.

The petitioner seeks regular bail in connection with Rajoun P.S. Case No. 17/2021, registered for the offence punishable under Section 366(A) of the Indian Penal Code.

The allegation is regarding the petitioner having kidnapped the victim girl.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing



in custody since 21.1.2021. The learned counsel for the petitioner has referred to the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate to show that first of all, the victim girl has clearly stated that the petitioner had not indulged in any misdeed with her and secondly, he had also not forced him upon her. It is also submitted that a bare perusal of the said statement of the victim girl would show that the victim girl was voluntarily having a good time with the petitioner and roaming around.

Per contra, the learned APP for the State has submitted that since the victim girl is a minor, her consent would be of no value, but nonetheless, submits that the circumstances, which emerge from the statement of the victim girl, made under Section 164 Cr.P.C., before the learned Magistrate, may be taken into consideration by this Court.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, apart from the fact that no misdeed has been alleged by the victim girl qua the petitioner herein and the petitioner is stated to be languishing in custody since about a year, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 17/2021.

(Mohit Kumar Shah, J)

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