

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29868 of 2021**

Arising Out of PS. Case No.-31 Year-2021 Thana- GOH District- Aurangabad

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Saurabh Kumar Son of Niteshwar Tiwari Resident of Village and P.O.-  
Kumhrar, P.S.- Agamkuan, District- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ravi Kumar, Adv.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      24-11-2021                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with Goh P. S.  
Case No. 31 of 2021 registered under Section 366 (A) of the  
I.P.C. and read with Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that  
petitioner is in custody since 22.02.2021 and he is a person with  
clean antecedent and charge-sheet has been submitted. Learned  
counsel further submits that the informant in the F.I.R. has  
alleged that his daughter aged about 13 years left her house for  
marketing on 12.02.2021 at around 11.00 a.m. and did not return  
and after search the informant came to know that petitioner had  
kidnapped his daughter by his scooty. Learned counsel for the  
petitioner drawn the attention of the Court to Annexure-2 of the

bail application where the statement of the victim under Section 164 of the Cr.P.C. has been recorded. From perusal of the statement under Section 164 of the Cr.P.C., it would manifest that the victim has very clearly stated that her parents wanted her to get married but she was not willing to marriage and then she left her home on her own will to her uncle's place on 12.02.2021. Further she had gone with money which he had taken from her home and had gone alone and further that she wants to stay with her parents. Learned counsel further submits that from bare perusal of the statement recorded under Section 164 of the Cr.P.C. it would manifest that the victim despite being 14 years of age has shown great maturity.

Learned A.P.P. opposes the bail application and submits that the victim is a minor.

Considering the fact that victim though is a minor but her statement under Section 164 of the Cr.P.C. reflects her maturity and she has very clearly stated that she had gone alone to her uncle's house as her parents wanted her to get married and that petitioner is a person with clean antecedent and charge-sheet has been submitted, the petitioner above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties

of the like amount each to the satisfaction of learned Chief  
Judicial Magistrate, Aurangabad in connection with Goh P.S.  
Case No. 31 of 2021.

**(Satyavrat Verma, J.)**

ravishankar/-

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