

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8164 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- LAKHNAUR District- Madhubani

Pradeep Kumar Mahto@ Pradeep Kumar Singh Son Of Satya Narayan Mahto
Resident Of Village- Parmeshra, Police Station- Lakhnaur, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Lakhnaur P.S. Case No. 11 of 2021 registered
for the alleged offences under Sections 363, 366(A), 376 and
134 of the Indian Penal Code and Section 4 of the POCSO Act.

As per prosecution case, the minor daughter of the
informant went missing and the informant came to know that
the petitioner and his father have kept his daughter concealed in
their house to solemnize her marriage. A *panchayati* was held
but nothing came out of this *panchayati*.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that the daughter of the informant had come to the house of the petitioner on her own and for this reason, nothing came out of the *panchayati*. Learned counsel further submits that the daughter of the informant was having an affair with the petitioner and they solemnized marriage on 05.02.2021. The victim girl gave a statement to the police that she was not kidnapped. The statement of the victim girl was also recorded under Section 164 Cr.P.C. wherein she has stated that she solemnized marriage with the petitioner out of her sweet will in *Jageshwar nath mandir*. She has also stated that she wanted to stay with her parents-in-law and did not want to go with her parents. The informant is not ready to accept the marriage and knowing all the facts still he lodged the present case. Learned counsel further submits that the age of the victim girl was assessed to be 16 years whereas she herself claim her age is 18 years at the time of recording of her statement by learned Judicial Magistrate. Her age, according to Aadhar Card, is about 20 years. Learned counsel also submits that during medical examination no medical evidence of sexual assault was found. In any case she appears to be mature. The petitioner is in



custody since 13.07.2021 and charge-sheet has been submitted.
The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the consent of the minor is no consent and the petitioner knowing the real age of the victim girl enticed her away and solemnized marriage.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl recorded before the learned Judicial Magistrate and also considering her age, at which a girl attains sufficient maturity and further considering the period of custody and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Jhanjharpur (Madhubani) in connection with Lakhnaur P.S. Case No. 11 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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