

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32675 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- BAIRIYA District- West Champaran

Dhananjay Yadav @ Dhananjay Kumar Son of Bhola Yadav @ Rameshwar Yadav Resident of Village- Machharganwa, Police Station- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-08-2022 Heard Mr. Aditya Nath Jha, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Bairiya P.S. Case No. 88 of 2021, for the offence punishable under Sections 366A/34 of the Indian Penal Code and Section 12 of the POCSO Act.

The prosecution case, in brief, is that the informant, who is the father of the victim had registered case against the petitioner and his other family members alleging therein that they have kidnapped the daughter of the informant with an intention to marry.



Learned counsel appearing on behalf of the petitioner submits that soon after the recovery of victim girl, her statement under Section 164 Cr.P.C. was recorded before the Magistrate. The age of the victim girl has been assessed by the Magistrate as 15 years, however, the victim herself stated her age above 18 years and as such she was free to marry with a person of her own choice.

Learned counsel appearing on behalf of informant brought to the notice of this Court that the Aadhar Card, which has been brought on record appears to be forged as the F.I.R. was lodged on 13.05.2021 and subsequent to the same, the Aadhar Card was issued showing the victim as major.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner but has not denied the fact that victim girl in her statement stated that she was in love affairs with the petitioner and without any coercion or pressure, she has married with the petitioner and they are now living happily.

Considering the fact that the petitioner and victim girl were in love affairs and after attaining their majority they got married and now they are leading their happy conjugal life.

In view of the submission made by the learned counsel for the parties, the Court below is directed to summon



the victim to appear in his Court, in person, and on verification of her Aadhar Card or any other evidence with regard to the proof of age produced on behalf of the victim and it is found that the victim is major and she has married with the petitioner on her own choice, the petitioner may be allowed to be released on bail. In case the victim is minor, the marriage becomes voidable in that case the victim must be given protection till she attains the age of majority.

With the above observation, the present bail application stands disposed off.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

