

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55099 of 2021

Arising Out of PS. Case No.-256 Year-2020 Thana- DELHA District- Gaya

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Suraj Kumar Son Of Late Vinod Prasad Resident Of Village - Laxman Sahay
Lane Gol Bagicha, P.S.- Kotwali, Gaya, Distt.- Gaya.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-02-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Delha P.
S. Case No.256 of 2020, instituted for the offences under
Section 366(A) of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 28.11.2020, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that his sister aged about 16 years had gone
for her Class-IXth Exam to school and when the victim did not
return, the informant called her on her mobile and she said that
she will come after sometimes and thereafter, her phone was



switched off. Thus, the informant alleges that someone allured her for the purpose of marriage.

The learned counsel for the petitioner submits that petitioner has been falsely implicated rather from the F.I.R., it would manifest that the informant alleges that he apprehends that someone allured her for the purposes of marriage. It is submitted that the statement of the victim was recorded under Section 164 of the Cr.P.C. where she has admitted that she went with accused Suraj Kumar (petitioner) and both of them performed marriage.

The learned counsel further submits that the victim had reached the age of discretion as her age was assessed about 17 years by the learned Magistrate during her statement under Section 164 of the Cr.P.C. and the medical report also found her age in between 16-17 of years.

The learned counsel for the petitioner thus submits that though the petitioner was a minor as per law, but then she has reached the age of discretion where she was able to take decision of her own volition and since the victim has not supported the prosecution case, the petitioner deserves to be enlarged on bail.

The learned A.P.P. for the State opposes the bail



application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and the victim has not supported the prosecution case, 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 Special Judge, POCSO Act-cum-A.D.J.-VI, Gaya in connection with Delha P. S. Case No.256 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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