

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60276 of 2021**

Arising Out of PS. Case No.-62 Year-2020 Thana- BASOPATTI District- Madhubani

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RAMESH SAH Son of Bhola Sah @ Soman Sah Resident of Village-  
Maharajpur, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                    |
|--------------------------|---|------------------------------------|
| For the Petitioner/s     | : | Mr.Jitendra Kumar Bharti, Advocate |
| For the Informant        | : | Mr.Dvij Raj, Advocate              |
| For the Opposite Party/s | : | Mr.Rajendra Prasad Nat, APP        |

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

2      10-03-2022                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Basopatti  
P.S. Case No. 62 of 2020 instituted for the offences under  
Sections 363 and 366(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that the  
petitioner is in custody since 28.04.2021, is a person with clean  
antecedent and charge-sheet has been submitted in the case.

The informant (Ram Prasad Pandit) alleges that his  
granddaughter was missing from his house from 14.03.2020 and  
he came to know that the F.I.R. named accused persons,  
including the petitioner, had kidnapped his grand daughter.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, though the informant alleges that the victim is a minor but the doctors have assessed the victim to be of 17 years and in her statement under Section 164 Cr.P.C., the victim has disclosed her age as 16 years. Learned counsel thus submits that since the victim is a literate girl as such she was capable of understanding the consequences of her action and she has also reached the age of discretion. Learned counsel submits that the victim has not supported the prosecution case in her statement recorded under Section 164 of the Cr.P.C. rather has negated the prosecution case and has stated that she fell in love with the petitioner and fled with him to Delhi, further from perusal of the statement of the victim under Section 164 Cr.P.C. it would manifest that she has not alleged any kind of sexual assault committed by the petitioner.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner and learned counsel for the informant submits that admittedly the victim is a minor but is not able to meet the submissions of the learned counsel for the petitioner that the victim has not supported the prosecution case and being a literal girl, she had reached the age of discretion and was capable of



understanding the consequences of her action.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case, petitioner is a person with clean antecedent and the victim has not supported the prosecution case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhubani in connection with Basopatti P.S. Case No. 62 of 2020.

**(Satyavrat Verma, J)**

Rishi/-

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