

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63916 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- SHEIKHOPUR SARAI District- Sheikh-
pura

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AJIT KUMAR, Son of Rohan Ram Resident of Village - Mohabbatpur, P.S. -
Shekhopur Sarai, District - Sheikhpura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Syed. Rizwanul Haque
For the Opposite Party/s	:	Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in a case registered for the
offences under Section 341, 323, 363, 366, 366A, 504, 506 and
34 of the Indian Penal Code read with Section 8 of the POCSO
Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 26.07.2021, he is a person with
clean antecedent and is a young boy of 22 years of age.

The learned counsel for the petitioner submits that the
informant alleges that her minor grand daughter aged about 15
years used to talk to the petitioner, despite being reprimanded,
further on 08.06.2021 in the morning at 1.30 A.M., when the in-



formant woke up, she found that the victim (her grand daughter) missing, thus alleges that the petitioner intent her to elope her to ornaments as detailed in the FIR, further when the informant along with the family members went to the house of petitioner, they were abused and assaulted.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the case and doctors have assessed the victim in between 16-17 years, as such, she had reached the age of discretion and was capable of understanding the consequences of action, it is further submitted that the informant in her statement under Section 164 Cr.P.C. (Annexure-2) has not even remotely supported the prosecution case. The learned counsel thus submits that when the victim herself has not supported the prosecution case, as such, age for the present become irrelevant.

The learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 26.07.2021, he is a person with clean antecedent, charge-sheet has been submitted and is young boy of 22 years of age 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.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sheikhopur Sarai P.S. Case No. 90 of 2021 giving rise to POCSO Case No. 25 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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