

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64811 of 2021**

Arising Out of PS. Case No.-568 Year-2020 Thana- MADHEPURA District- Madhepura

Rahul Raj @ Chhotu, S/o- Mithilesh Kumar Sah, Resident of Village -  
Bhirkhi Ward No. 25, P.S. - Madhepura, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      30-08-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Madhepura (Bharrahi) P.S. Case No. 568 of 2020 (POSCO Case no. 24 of 2020) registered for the alleged offences under Sections 341, 323, 366(A), 504, 506, 379 and 34 of the Indian Penal Code and Section 4 of POCSO Act.

As per prosecution case, the petitioner kidnapped the minor niece of the informant with intention to marry her. They also took away Rs. 1,00,000/- from the house of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution story is not believable that the petitioner came



and kidnapped the girl and took away money from the house. In fact the victim girl herself left her house and went away with the petitioner to Delhi and she stated this fact before the learned Magistrate while recording her statement under Section 164 Cr.P.C. Further the medical report of the victim girl shows her age to be 17-19 years and this shows that the victim girl was not a minor on the date of alleged occurrence. The learned counsel further submits that it is a case of love-affair between the two young persons and the petitioner is aged about 20 years and he is in custody since 14.07.2021. Charge-sheet has been submitted. The co-accused Lucky Kumar has been granted bail by a Co-ordinate Bench vide order dated 13.11.2020 passed in Cr. Misc. No. 29812 of 2020.

Learned APP opposes the prayer for bail submitting that the petitioner kidnapped the minor girl and even if she went with her own will, her consent is immaterial since she is a minor.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the victim girl was stated to be 17-19 years old during the medical examination, the age when a girl attains sufficient maturity and knows the consequence of her act, and further considering her statement under Section 164 Cr.P.C. absolving the



petitioner of any wrong doing and her admission about willingly going with the petitioner and also considering the period of custody of the petitioner who is himself aged about 20 years, 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 Sessions Judge-VI-cum-Special Judge (POCSO), Madhepura in connection with Madhepura (Bharrahi) P.S. Case No. 568 of 2020 (POSCO Case no. 24 of 2020), 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 Mannu kumar, brother-in-law of the petitioner, who has sworn the affidavit in this case.
- (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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