

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64303 of 2021

Arising Out of PS. Case No.-132 Year-2020 Thana- DANIYAWAN District- Patna

CHHOTU KUMAR Son of Nepal Mahto Resident of Village - Vanshipur,
Chand Tola, Amarpur, P.S.- Suryagarha, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kritu Verma

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-04-2022 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 366A and other ancillary sections of the Indian Penal Code and sections 6/8/12 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The victim in her statement recorded under section 164 Cr. P. C. has stated that out of her free will she left the house and solemnized marriage with him in the temple. The victim has stated her age to be 16 years. Petitioner has claimed clean antecedent and he is in custody since 21.9.2020.

Learned counsel appearing for the State opposes the prayer for bail. He submits that the girl is minor as such her



aforesaid statement is immaterial in the eye of law. To which, learned counsel for the petitioner submits that victim is major and estimation of age by Court below is subject to variation of two years plus minus.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge VII cum Exclusive Special Judge, POCSO Act, Patna in Daniyawa Police Station Case No. 132 of 2020/ Special Case No. 93 of 2021.

(Prabhat Kumar Singh, J)

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