

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55180 of 2022**

Arising Out of PS. Case No.-61 Year-2022 Thana- GOGRI District- Khagaria

SONU KUMAR @ SONU MANDAL, Son of Subodh Mandal R/V- Gogri
(Kurmi Tola), P.S- Gogri, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 16-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State, through video

conferencing.

The petitioner seeks regular bail in connection with
Gogri P.S. Case No. 61 of 2022, for the offence punishable
under Sections 366(A)/34 of the Indian Penal Code.

The allegation against the petitioner is that he along
with other accused persons named in the F.I.R. kidnapped the
minor daughter of the informant with intention to marry her.

Learned counsel appearing on behalf of the petitioner
submits that the statement of victim was recorded under Section
164 Criminal Procedure Code in which she has stated that she
married with the petitioner in a temple according to her sweet
will. The petitioner is in custody since 16.06.2022.

Learned A.P.P. for the State has opposed the prayer for



grant of bail to the petitioner. He has submitted that victim is minor and it would not be proper to release the petitioner on bail.

This Court deprecates the manner in which the Subordinate Court has proceeded once it has ascertained the age of the victim to be 17 years then considering her to be minor has not proceeded as per the provisions of the Juvenile Justice (Care and Protection of Children) Act and the POCSO Act.

Considering the allegation made in the F.I.R. as well as the statement of the victim recorded under Section 164 Cr.P.C., the learned Court below is directed to record the statement of the victim, informant along with statement of father and mother of the petitioner. In case it is found that the victim is major and if both the parties agrees to any settlement considering the fact that she has married with the petitioner then it would be proper to release the petitioner on bail on such terms and conditions as the Court below deems it fit and proper.

Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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