

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14650 of 2024**

Arising Out of PS. Case No.-334 Year-2023 Thana- SALAKHUA District- Saharsa

Sunil Kumar Mahto S/O Anil Mahto RESIDENT OF VILLAGE-  
BADSHAHNAGAR, PS.- SALKHUA (O.P. BANMA ITAHARI) DIST.  
SAHARSA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      14-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Salakhua (Banma Itahari O.P.) P.S. Case no.334 of 2023 (Special POCSO Case no.61 of 2023) registered under sections 366A and 34 of the Indian Penal Code and sections 4 and 8 of the POCSO Act.

3. As per the prosecution case, the 17 year old minor daughter of the informant disappeared. On search, the informant states that it transpired that the petitioner had kidnapped her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The daughter of the informant was a major which has transpired in course of investigation when in the medical report, her age was assessed



to be 17 to 19 years. It is the case of love affair between the parties and the daughter of the informant had gone with the petitioner out of her own free will. No case under the POCSO Act is made out. The petitioner is in custody since 19.10.2023 and chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State who submits that the daughter of the informant is a minor. Further, in her statement under section 164 Cr.P.C., she has supported the prosecution case and has made direct allegation against this petitioner to the effect that it was against her wishes that the petitioner established physical relations with her.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. and the contents of the statement of the daughter of the informant under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

**(Partha Sarthy, J)**

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