

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61757 of 2024

Arising Out of PS. Case No.-138 Year-2023 Thana- CHORAUT District- Sitamarhi

Rajeev Ram Son of Dukhi Ram Resident Of Village- Diwari, PS- Sursand,
Distt.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhavendra Prasad Gupta S/o Late Vishwanath Prasad Gupta R/o Vill -
Yaddupatti, P.S. - Charaut, Distt. - Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 363, 365, 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, all the F.I.R. named accused persons including this petitioner forcibly kidnapped the minor daughter of the informant, while she was studying at the *Darwaja*, and also took away all the documents, kept in her bag.

4. Learned counsel for the petitioner submits that the victim, in her statement recorded under Section 164 Cr.P.C., has denied the factum of kidnapping and has specifically stated that she left her house, as her father & mother scolded her for studies. The age of the victim is 17 years. Learned counsel for



the petitioner, relying on an order of the Division Bench of this Court dated 23.09.2010 in *Cr.W.J.C. No. 991 of 2010 (Sahebi Khatoon @ Sahebi Versus State of Bihar and other)*, submits that this Court has directed *to treat a girl as major in case her age assessed to be between 16 to 17 years.*

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the statement of the victim recorded under Section 164 Cr.P.C. and the law laid down by this Court, the prayer for anticipatory bail of petitioner is allowed.

7. Accordingly, in the event of arrest/surrender before the Court below within a period of eight weeks from today, let the above named petitioner 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 learned A.D.J. - VI-cum-Special Judge (POCSO Act), Sitamarhi in connection with Choraut P.S. Case No. 138 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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