

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66058 of 2024

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

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1. Dukhi Ram S/o Late Bachche Ram R/o Village- Diwai, P.S.- Sursand, Dist.- Sitamarhi
 2. Chandrakala Devi W/o Dukhi Ram R/o Village- Diwai, P.S.- Sursand, Dist.- Sitamarhi
 3. Punita Devi W/o Ranjit Ram R/o Village- Raima, P.S.- Saharghat, Dist.- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Kumar Gupta S/o Late Vishwanath Prasad Gupta R/o Village- Yadupatti, P.S.- Choraut, Dist.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their 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 these petitioners 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 petitioners 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 petitioners, 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*. Similarly situated co-accused Rajeev Ram has been granted anticipatory bail by this Court, vide order dated 17.09.2024 passed in Cr.Misc. No. 61757 of 2024.

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 petitioners 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 petitioners be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each 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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