

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4178 of 2025

Arising Out of PS. Case No.-190 Year-2024 Thana- KHIJARSARAI District- Gaya

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Sandeep Kumar S/O Late Surendra Singh R/O Village- Lodipur, P.S.-
Khizersarai, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sachin Kumar S/O Subodh Kumar R/O Village- Sahbazpur, P.S.-
Khizersarai, District - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarandha Suman

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-04-2025 1. The petitioner has filed the present application for cancellation of bail of the opposite party no. 2 granted by this court on 02.12.2024 in Cr. Misc. No. 81631 / 2024 arising out of Khizersarai P.S. Case No. 190 of 2024 dt: 15.06.2024 registered for the offence under sections 366A/34 of the I.P.C.

2. Learned counsel for the petitioner submits that while granting bail the court has considered the age of the victim on the basis of medical report between 18-19 years and statement made by the victim before the learned Magistrate under Section 164 Cr.P.C. in which the victim has disclosed her age as 19



years however the victim girl was minor on the date of occurrence and her age was 14 years as per certificate issued by the competent authority on 22.02.2024 disclosing the date of birth of the victim as 13.08.2010. In the school certificate the age of the victim is 14 years and her date of birth has been shown as 13th August 2010. Accordingly submission is that consent of the victim girl as stated in her statement recorded under Section 164 Cr.P.C. that she eloped with the opposite party no. 2 voluntarily as she was in love with him does not have any legal value inasmuch consent of minor is not a consent.

3. On the other hand, learned counsel for the opposite party no. 2 submits that no legal ground has been raised for cancellation of bail and the petitioner is trying to re-argue the matter on merit pointing out the fact that consideration of bail of opposite party no. 2 on the basis of medical report and statement of the victim girl cannot be taken as a ground for grant of bail to the opposite party no. 2.

4. Having considered the rival submissions of the parties and taking into consideration the fact that this court after having considered the relevant circumstances of the case has granted bail to opposite party no. 2 and the petitioner has failed to point



out any cogent ground for cancellation of bail, accordingly I do
not find any merit in this application. The same is rejected.

(Anil Kumar Sinha, J)

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