

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52983 of 2025

Arising Out of PS. Case No.-241 Year-2023 Thana- PURAINI District- Madhepura

Niket Kumar @ Niket S/o Nunnu Lal Yadav @ Gautam Yadav Resident Of
Village- Baghra, Ward No. 11, PS- Puraini, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Adv. Mr. Manoj Kumar, Adv. Ms. Pooja Prasad, Adv.
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-08-2025 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 offence under Sections 366A/34 of the Indian Penal Code.

3. As per prosecution case, on 22.11.2023, this petitioner, in connivance with other F.I.R. named co-accused persons, is alleged to have kidnapped the minor daughter of informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence. The victim, in her statement recorded under Section 164 Cr.P.C., has denied the prosecution case and stated that she left her house on her own volition and solemnized marriage with petitioner in a temple. The Court below has assessed the age of victim, as 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*. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State has opposed the bail petition.

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.C.J.M. - 1st, Madhepura in connection with Puraini P.S. Case No. 241 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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