

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75795 of 2024

Arising Out of PS. Case No.-129 Year-2022 Thana- BAHERI District- Darbhanga

Rohit Kumar Ram @ Rohit Kumar, Son of Suresh Ram, Resident of Village -
Daing, P.S.- Baheri, District - Darbhanga

... .. Petitioner,

Versus

The State of Bihar

... .. Opposite Party,

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
		Mr. Saurav Anand, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP
For the Informant	:	Mr. Ankit Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Baheri P.S. Case No.129 of 2022 registered under Sections 366-A read with 34 of the Indian Penal Code.

3. The allegation against the petitioner is to kidnap the minor daughter of informant aged about 15 years along with other co-accused persons/family members and also to force/seduce her for the purpose of illicit intercourse/marriage.

4. It is submitted by learned counsel appearing for



the petitioner that for the simple reason as age of the victim was mentioned 15 years in FIR, the learned Sessions Judge rejected the prayer of anticipatory bail of this petitioner. It is submitted that the victim after recovery, while recording her statement under Section 164 of the CrPC categorically stated that no one kidnapped her and she went on her own with petitioner and solemnized her marriage out of her own sweet will as she was in love affairs with petitioner. It is submitted that now the victim is living with this petitioner as wife and she is mother of two children.

5. It is further submitted that upon radiological examination, the victim was found about 17 years and if a marginal benefit of plus (+) minus (-) two years be given, as per legal ratio approved by Apex Court through **Rajak Mohammad v. State of H.P., [(2018) 9 SCC 248]**, the victim appears *prima facie* major on the date of occurrence and, therefore, no case as alleged made out.

6. While opposing the prayer of bail, Mr. Ankit Raj, learned counsel appearing for the informant approved the submissions of learned counsel appearing for the petitioner



that the victim solemnized marriage with this petitioner and living together happily.

7. In view of aforesaid facts and circumstances and by taking note of aforesaid factual submissions, as on the basis of radiological examination, the victim appears *prima facie* major on the date of occurrence where she negate the allegation of kidnapping against this petitioner while recording her statement under Section 164 of the CrPC, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-XI, Darbhanga in connection with Sessions Trial No.684 of 2022 arising out of Baheri P.S. Case No.129 of 2022, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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