

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85812 of 2025

Arising Out of PS. Case No.-633 Year-2024 Thana- MADHEPURA District- Madhepura

Mahesh Das, S/o Late Suresh Das, Resident of Sattugali, Singheshwar, P.S.-
Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 09-04-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for bail in connection with Madhepura P.S. Case No. 633 of 2024 registered for the offence punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

3. The case of the prosecution, in short, is that the petitioner along with others has kidnapped the minor daughter of the informant.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner has submitted that during course of investigation, the victim was recovered and she



has given her statement under Section 164 of the Cr.P.C. wherein she has stated that she has gone out of her house on her own will to Murliganj with petitioner and they have performed court marriage in Madhepura. She has categorically stated that no one has kidnapped her. She herself has gone with the petitioner. It has further been submitted that the statement of the victim goes to show that she herself has went out of her house and no one has kidnapped. Petitioner is languishing in judicial custody since 01.07.2025.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the application for bail and have submitted that petitioner is having criminal antecedent of five cases. Learned counsel for the informant has stated that vide order dated 20.06.2024, the victim was handed over to the parents but she was subsequently kidnapped by the petitioner and others and for that, he has filed another case as well. Learned counsel for the informant has further submitted that from perusal of the order of the learned trial Court, it will transpire that the victim has once been handed over to the parents and on next day, she was handed over to the in-laws. In this regard, a report was called from the learned trial Court. Learned trial Court has reported that from perusal of the



order sheet dated 20.06.2024, the age of the victim was assessed approx 17 years by the learned Judicial Magistrate who took the statement of the victim under Section 164 of the Cr.P.C. and accordingly, the victim was handed over to the parents and on next date, on a receipt of the Singheshwar Temple Nyaas Samiti and copy of Aadhar Card, she was handed over to the in-laws. In this regard, it is worth mentioning that assessment of the age of the victim has not to be made on such superficial considerations. Time and again, the Hon'ble Apex Court has laid down a law regarding assessment of the victim which is as per Section 94 of the J.J.B. Act. Releasing of the victim in favour of parents or in-laws is a very serious issue and trial court should not venture in assessing the age on such superficial considerations as the age assessed by Judicial Magistrate or a certificate issued by any trust cannot be a document of age.

6. Be it as may be, it is admitted position that now the victim is with her in-laws and from perusal of her statement under Section 164 of the Cr.P.C., it is clear that she herself has gone with the petitioner. She has not alleged any kind of sexual assault against her by the petitioner.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is



inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhepura in connection with Madhepura P.S. Case No. 633 of 2024.

8. The petitioner is directed to remain physically present in the trial Court till framing of charge.

(Ashok Kumar Pandey, J)

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