

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70705 of 2018

Arising Out of PS. Case No.-214 Year-2018 Thana- KUSHESHWARASTHAN District-
Darbhanga

=====

Krishna Kumar Rai son of Gango Rai resident of Village- Fakdoliya, P.S.
Kusheswar Ashthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra
For the Opposite Party/s : Mr. Sri Rajeev Nayan

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-12-2018 Heard the learned counsel for the petitioner, the
informant and the learned A.P.P. for the State.

The petitioner seeks bail in Kusheshwar Asthan P.S.
Case No. 214/2018, instituted for offences under Sections 363,
366(A) and 34 of the Indian Penal Code.

It is alleged in the written report that on the date of
occurrence informant and her daughter, namely, Kumari Preety,
aged about 17 years, had gone to Mandir for worship. After
worship they went to confectionery shop for lunch. Thereafter
the informant after leaving her daughter in the aforesaid shop
went to purchase vegetables. When she returned to that shop,
she did not find her daughter. The informant raised suspicion
against this petitioner and other accused persons that they have



kidnapped her daughter.

Learned counsel for the petitioner has submitted that the victim girl on recovery has given her statement under Section 164 Cr.P.C., wherein she has stated that she was in love with this petitioner and had voluntarily gone with him. She has further stated that she has performed marriage with this petitioner. There is marriage certificate of Arya Samaj, which is annexed as Annexure-3, which shows that both have performed marriage.

Learned counsel for the petitioner has submitted that age of victim on the date of occurrence was 18 years as date of birth as per Aadhar is 01.01.1999.

Learned counsel for informant has submitted that Addl. Sessions Judge, Benipur, Darbhanga has mentioned in the impugned order that in the matriculation certificate date of birth is 03.05.2001 and she was minor at the time of alleged occurrence.

Learned counsel for the petitioner has submitted that the girl is living with the sister of this petitioner, who has taken her on *Jimmanama* (Copy of statement of victim girl recorded under Section 164 Cr.P.C. and copy of *Jimmanama* is annexed as Annexure-4 series). It is further submitted that the girl is not



ready to go with the informant.

Petitioner is in custody since 22.09.2018.

In such circumstances keeping in view the aforesaid documents and the fact that girl has stated in her statement that she had voluntarily gone with this petitioner, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 214/2018, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

rakhi/-

U		T	
---	--	---	--

