

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5329 of 2020**

Arising Out of PS. Case No.-460 Year-2019 Thana- BAHERA District- Darbhanga

Natwar Lal Sahu, Son of Sahdev Sahu Resident of Village - Malaul, P.S.-
Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasudeo Ram

For the Opposite Party/s : Mr. Sunil Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 24-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner and the State.

The petitioner, who is languishing in custody since 22.11.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 363 and 366A of the IPC.

It appears that vide order dated 30.01.2020, notices were issued to opposite party no.2/the victim girl. The office notice note dated 30.05.2020 reflects that ordinary process of notice has been received by the mother of the victim girl, however, registered cover of notice could not be served upon opposite party no.2.

In the circumstances, let the notices, issued to



opposite party no.2 be treated as deemed valid service.

The prosecution case, as per the written report of Veena Devi, submitted to the S.H.O., Bahera Police Station is to the effect that the daughter of the informant, aged about 16 years, on 18.10.2019 at 10 P.M., went to east out, but she did not return. It is alleged that she was kidnapped by the petitioner, leading to registration of FIR.

It is submitted by learned counsel for the petitioner that the victim, in her statement recorded under Section 164 Cr. P.C., got her age recorded as 17 years when the Court assessed her age as 18 years. In the statement, the victim has not supported the accusation of kidnapping or establishment of forceful physical relationship by the petitioner. It is further submitted that in fact the victim girl was in love with the petitioner and they have performed marriage. A photograph and an affidavit have also been brought on record with regard to performance of the marriage between the petitioner and the victim girl, as Annexure-3 and 4. However, subsequently, the victim girl was forced to marry with someone else by her family members and hence, in spite of valid service of notice, none appears on behalf of the victim girl.

Learned APP submits that the petitioner is named in



the FIR with specific accusation.

Considering the fact that the investigation has already been concluded, the victim, in her statement, recorded under Section 164 Cr. P.C., has not supported the accusation of kidnapping, the learned Court below has assessed the age of the victim as 18 years and the fact that in spite of the valid service of notice, none appears on behalf of the petitioner, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned ACJM, Benipur, Darbhanga in connection with Bahera P.S. Case No. 460 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional



bail of the like amount each to the satisfaction of learned ACJM,
Benipur, Darbhanga in connection with Bahera P.S. Case No.
460 of 2019.

The learned Court below will be at liberty to extend
the period of provisional bail further if the court proceeding in
physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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