

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20141 of 2020**

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Sunny Kumar Yadav, son of Shyam Narayan Yadav, resident of Village-
Dalsagar, P.S.-Buxar (Industrial Area), District-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-07-2020 Learned counsel for the petitioner undertakes to remove

all the defects within three weeks after start of normal functioning of

the Court.

Heard learned counsel for the petitioner and learned A.P.P.

for the State.

Petitioner in the present case is seeking pre-arrest bail in

connection with Buxar (Industrial Area) P.S. Case No.27/2020

registered for the offences under Sections 366(A), 504 and 506/34 of

the Indian Penal Code.

Learned counsel for the petitioner submits that as per the

First Information report it is alleged that this petitioner had allured

the daughter of the informant who is aged about 17 years and had

taken her away with an intention to commit some immoral act.

Learned counsel submit that the victim girl has returned and made

statement under Section 164 Cr.P.C. in which she had stated that she



was in love affair with the petitioner for last four years which was being objected by her parents and they were indulged in beating her. The victim girl further stated that she had left the parents house and went to Haridwar with this petitioner on 28th January, 2020 and thereafter she solemnized marriage with the petitioner, remained there for one month and thereafter on call given by her parents she had come, thereafter again went to stay with this petitioner. The victim girl further stated that false allegation has been made and she desired to live with the petitioner.

Learned counsel submits that at the time of her statement recorded under Section 164 Cr.P.C. her age has been assessed as 18-19 years and learned Sessions Judge has also recorded after verification of her school certificate that she is aged between 17-18 years. It is submitted that in the nature of the allegations where the victim girl with her own will and volition decided to live with this petitioner as husband and wife, no prima-facie case of allurement and kidnapping may be made out against the petitioner.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, the categorical statement of the victim girl that she had gone with her own will and volition and had solemnized marriage with this petitioner and is living with him for more than six months, let the petitioner above named in the event of his arrest or surrender within a period of six weeks from today in connection with



Buxar (Industrial Area) P.S. Case No.27/2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

rajeev/arvind-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

