

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28779 of 2020**

Arising Out of PS. Case No.-321 Year-2019 Thana- KHIJARSARAI District- Gaya

RAVI BHUSHAN KUMAR Son of Mahesh Prasad Resident of Village-
Shafipur P.S.- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jogendra Prasad
For the Opposite Party/s : Mr. Ashok Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 14-12-2020 Heard the learned counsel for the petitioner and
Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with
Islampur P.S. Case No. 321 of 2019 for the offence punishable
under Sections 366(A)/34 of the Indian Penal Code.

The allegation is regarding the daughter of the
informant having gone out of the house on the alleged date and
time of occurrence to attend call of nature, whereupon the
petitioner had enticed her and kidnapped her.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case, is having a clean antecedent and
is languishing in custody since 17.03.2020. The learned counsel
for the petitioner, by referring to the statement made by the



victim girl under section 164 Cr. P.C., before the learned Magistrate, has submitted that on the alleged date and time of occurrence when the daughter of the informant had gone to attend the call of nature, the petitioner and another co-accused person namely Anil Prasad had caught her and had taken her on a motorcycle to Rajgir Railway station from where the petitioner had taken her somewhere, whereupon both of them had roamed about here and there together, however, when they came to know about the present case being lodged, the petitioner had brought her to the Gaya Railway station and left her there. It is thus submitted that the statement of the victim girl under Section 164 Cr. P.C., made before the learned Magistrate, would show that the victim girl had voluntarily eloped with the petitioner and had roamed with him of her own volition. Even the medical report shows the age of the victim girl to be more than 19 years and no misdeed has been alleged to have been committed by the petitioner, thus both the victim girl and the petitioner herein appear to be consenting parties.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the statement of the victim girl made under Section 164 Cr. P.C., before the learned Magistrate, wherein no misdeed has been alleged to have been committed by the petitioner herein, as also considering the period of incarceration of the petitioner herein, apart from the fact that he is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Islampur P.S. Case No. 321 of 2019.

(Mohit Kumar Shah, J)

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