

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 84647 of 2019

Arising Out of PS Case No.-489 Year-2019 Thana- KADAMKUAN District- Patna

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Gaurav Kumar @ Raja Bhardwaj, aged about 29 Years, Male, Son of Ashok Kumar @ Ashok Singh, Resident of Village - Ishakpur, P.S.- Mahnar, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N K Agrawal, Sr. Advocates Mr. Vikramaditya and Mr. Amnesh Kumar Sinha, Advocates
For the State	:	Mr. Ashok Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 17-03-2020

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kadamkuan PS Case No. 489 of 2019 dated 29.07.2019 instituted
under Sections 366/34 of the Indian Penal Code.

3. The allegation against the petitioner and others is of
kidnapping the minor daughter of the informant.

4. Learned counsel for the petitioner submitted that the
girl is more than 18 years old and on her own will, had gone with
the petitioner and they have performed marriage in the temple and
an affidavit has also been affirmed by them jointly before the



Notary, Dalsingsarai. It was further submitted that though the girl in her statement under Section 164 of the Code of Criminal Procedure, 1973, has admitted to the fact of marriage without any pressure but has introduced the allegation of rape which is only because of the pressure of the parents with whom she is living. It was further submitted that it cannot be believed that the girl would go and live in the maternal grandmother's house of the petitioner and go to the Court and the temple and would not raise any hue and cry if at all she was being forced by the petitioner and his family members. It was submitted that the petitioner having no other criminal antecedent is in custody since 31.07.2019. It was further submitted that in the medical examination, the age of the girl has been determined to be 17-18 years.

5. Learned APP, from the case diary, submitted that the petitioner is also alleged to have kidnapped the minor daughter of the informant. However, he was not in a position to controvert the fact that the Medical Board had opined the age to be 17-18 years and further in her statement to the Court, she has not stated that the marriage was forcibly performed.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs.



25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge-XII-cum-ACJM, Patna in Kadamkuan PS Case No. 489 of 2019. One of the bailors shall be a close relative of the petitioner.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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