

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84226 of 2019**

Arising Out of PS. Case No.-31 Year-2019 Thana- PURNAHYA District- Sheohar

ATUL KUMAR YADAV S/o Dindayal Rai Resident of Village- Harpur Rain,
P.S.- Piprahi, Distt- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Dr. Indihar Kumari

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 17-06-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Purnahia P.S.
Case No.31 of 2019 registered under Sections 366A and 34 of
the Indian Penal Code.

The informant alleged that his daughter was inside the
house but she left house without informing anybody. During the
course of search, the informant came to know that Nidhi was
going on motorcycle along with her tutor. The informant
inquired from Dindayal Rai, the father of the petitioner but the
father of the petitioner disclosed that his son is not at his
residence and began to abuse and assault the informant.

The learned counsel for the petitioner submits that
informant is not an eye witness of the occurrence. The daughter
of the informant voluntarily left her house and fled away with



the petitioner. The victim made her statement under Section 164 Cr.P.C. and she disclosed that on 21.04.2019, she voluntarily went to Nepal along with Atul Kumar Yadav(the petitioner) and she solemnised marriage with him out of her free will. It is further submitted that no offence under Section 366A I.P.C. is made out. The victim did not complain any ill treatment at the hands of the petitioner.

Learned A.P.P. and the learned counsel for the informant however vehemently opposed the prayer for anticipatory bail.

Learned counsel for the informant submits that victim is a minor girl aged about 15 years. According to the date of birth certificate of the victim recorded in the Bihar School Examination Board certificate, the victim is only 15 years old. The petitioner, being tutor, enticed the victim and, therefore, the petitioner does not deserve anticipatory bail.

From perusal of the F.I.R. and the case diary as well as the statement of the victim recorded under Section 164 Cr.P.C., it appears that victim herself disclosed in her statement under Section 164 Cr.P.C. that she voluntarily left her house and went along with the petitioner to Nepal. She solemnised marriage out of her free will with the petitioner. She nowhere



disclosed that she was enticed away by the petitioner. Thus, I find that the petitioner deserves anticipatory bail. Accordingly, the same is allowed.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Sheohar in connection with Purnahia P.S. Case No.31 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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