

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14035 of 2021

Arising Out of PS. Case No.-521 Year-2020 Thana- RANIGANJ District- Araria

Sumit Kumar Son of Binod Mandal Resident of Village - Basgara, P.S.-
Raniganj, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Raniganj P.S. Case No.521 of 2020 registered under sections 363, 366A and 34 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated by the informant that his 17 year old daughter disappeared. On enquiry, it transpired that the three named accused persons including the petitioner herein had taken away his daughter for the purpose of marriage.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. The daughter of the informant returned and her



statement was recorded under section 164 Cr.P.C. (Annexure-2) wherein she has categorically stated that she is 17 years old, had called the petitioner herself and has married him out of her own volition. Referring to the F.I.R. as also to the statement under section 164 Cr.P.C., it is submitted by learned counsel for the petitioner that the daughter of the informant is 17 years old and he further relies on the order of this Court dated 23.9.2010 passed by Division Bench in *Cr.W.J.C. No.991 of 2010 (Sahebi Khatoon @ Sahebi Versus State of Bihar and others)* to submit that direction was issued therein to treat a girl as major in case her age has been assessed to be between 16 to 17 years. It is submitted that the petitioner has no criminal antecedent and is in custody since 31.10.2020.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the contents of the order passed by the Division Bench in *Sahebi Khatoon*(supra) as also the contents of the statement under section 164 Cr.P.C. and the petitioner having remained in custody for over eight months, the Court is inclined to enlarge the petitioner on bail. The petitioner is



directed to be enlarged on bail in connection with Raniganj P.S.
Case No.521 of 2020 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 Additional Chief Judicial
Magistrate-VI, Araria.

(ParthaSarthy, J)

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