

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14566 of 2021**

Arising Out of PS. Case No.-251 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

VIKASH KUMAR S/O RAM KAUSHAL SINGH R/O VILLAGE PIPRA,
P.S. RAM KRISHNA NAGAR, DISTRICT PATNA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Siddharth Prasad,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

2 23-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail Ram Krishna Nagar P.S. Case No. 251 of 2020 registered for the offences punishable under Section 366(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that on perusal of the First Information Report, though it would appear that the allegation is that of kidnapping the victim girl and solemnization of marriage with her by this petitioner but from the statement of victim girl recorded four days after the alleged



occurrence it would be crystal clear that the case is one of love affair between the two teen aged boy and a girl. The petitioner has been described as 20 years in the FIR and the victim girl is said to be 16 years of age.

According to the victim girl, she had gone from her house with this petitioner and solemnized marriage in a temple on 25.08.2020, thereafter she went to the house of Mausī (mother's sister) of the petitioner and there she stayed for about four days.

It is further recorded in her statement under Section 164 Cr.P.C. that the father of the petitioner gave an impression over telephone to the petitioner and the victim girl and that they should come to the police station where their marriage will be duly solemnized and after this they reached to the police station where the father of this petitioner got this petitioner arrested. The victim girl further says that the father of the petitioner does not want to accept the marriage and he wants the petitioner to enter into another marriage. She claims that she wants to stay with her husband.

Learned counsel submits that in the peculiar facts of the case, no doubt the victim is a minor girl and legally speaking the boy is aged about 20 years but in the nature of the offence



alleged considering the immature bent of mind and the fact that the petitioner has remained in jail for about 10 months and he needs his release even otherwise to pursue his study and further social integration, this Court may consider granting him bail.

Although learned APP for the State has opposed the prayer for bail as according to him the victim girl is minor, considering the entirety of the facts and circumstances of the case, in the nature of the allegation alleged vis-a-vis statement of the victim girl under Section 164 Cr.P.C. and agreeing with the submission of learned counsel for the petitioner that this seems to be a case of love affair in immature mind, this Court having found that the petitioner has already remained in jail for 10 months, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of Shri Sukul Ram, learned A.C.J.M.-XIII, Patna Sadar in connection with Ram Krishna Nagar P.S. Case No. 251 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

