

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33525 of 2021

Arising Out of PS. Case No.-32 Year-2021 Thana- BAHERI District- Darbhanga

SURAJ RAM @ SURAJ KUMAR S/o Ramchandra Ram R/o village-
Sankherha, P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Advocate Mr. Masoom Alam
For the Opposite Party/s	:	Mr. Rajiv Nayan, Advocate Mr. Baidya Nath Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-12-2021 Heard learned counsel for the parties.

Petitioner seeks regular bail in connection with
Baheri P.S. Case No. 32 of 2021 registered for the offence under
Section 363 / 366A / 34 of the I.P.C.

The allegation is that the petitioner with the help of
the co-accused persons abducted the minor daughter of the
informant while she had gone to attend nature's call.

Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged.
Referring to the statement of the victim girl at Annexure – 2 to
this bail petition recorded under Section 164 Cr.P.C. he submits
that the victim girl has not stated anything against the petitioner
and has said that she had fled away from the house of her



parents due to the fact that her parents wanted to perform the marriage of the girl with a disabled person. Learned counsel further submits that the victim girl has disclosed her age as 18 years before the learned Magistrate and the petitioner is in custody since 22/01/2021.

On the other hand, learned counsel for the informant opposes the prayer for bail of the petitioner and submits that the statement of the victim girl was recorded by the Dy.S.P. on 7th February, 2021 in which she has disclosed that she was taken forcibly by the petitioner and others and there was love affair between the petitioner and the victim girl. The pregnancy test on the victim girl has been found positive by the doctor. He next submits that in the medical examination age of the victim girl has been assessed between 16-17 years. He further submits that charge sheet has already been submitted under Section 376 of the I.P.C. and Section 4/6 of the POCSO Act.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that statement of the victim girl was recorded before the Police under Section 161 Cr.P.C. on 07/02/2021 and in her statement made before the learned Magistrate after five days i.e. on 12-02-2021 she has categorically stated that she left



the house of her parents on her free will because the father of the victim girl wanted to marry her with a disabled person and no body had kidnapped her, the petitioner is in custody since 22/01/2021, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-VII, Darbhanga in connection with Baheri P.S. Case No. 32 of 2021 on the following conditions:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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