

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36477 of 2021

Arising Out of PS. Case No.-804 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Suraj Kumar Son Of Ram Chandra Das Resident of Village - Patner, P.S.-
Lakhisarai (Amhara O.P.), Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-12-2021 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of Covid 19 pandemic, requiring social distancing.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Lakhisarai P.S. Case No. 804 of 2019 instituted for the offences under Sections 363, 366A and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 15.02.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would



manifest that the informant alleges that on 17.11.2019 at about 7:30 pm his daughter aged about sixteen years had gone to attend the call of nature but she did not return and on search she could not be found. It is further alleged that during search, the informant came to know that Suraj Kumar (petitioner) took her daughter with bad intention. It is next alleged that the informant went to the house of the accused to enquire about her daughter from where he was driven away.

Learned counsel for the petitioner submits that the girl has been recovered and in her statement under Section 164 Cr.P.C. she has stated that both the petitioner and the informant were in love, they are married and they have a child also. Learned counsel further submits that the informant was aware of the relationship between the petitioner and the alleged victim and that is why the F.I.R. came to be instituted after a delay of two days without any plausible explanation as by that time the informant was trying to negotiate the marriage does not take place.

Learned counsel for the petitioner submits that all these facts have already been recorded in the impugned order but the learned court below rejected the bail application only on the ground that the daughter of the informant is alleged to be a



minor.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 15.02.2021, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent and the victim has not supported the prosecution case rather has stated that she has married the petitioner and they have a child out of the wedlock and that she is aged about 16 years as such she has reached the age of discretion and was capable of understanding the consequences of her action, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 804 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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