

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30493 of 2020**

Arising Out of PS. Case No.-315 Year-2019 Thana- BARHIYA District- Lakhisarai

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RAJA KUMAR @ RAJA BABU @ RAJA BABU KUMAR Son of
Sakhichandra Saw @ Shakhi Chandra Sah Resident of Village- Adarsh Nagar,
Lagauli, Post- Tiltrath, Police Station- Barauni, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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

4 08-01-2021 Heard learned counsel for the petitioner and Mr.
Anand Kishore Choudhary, learned APP for the State.

The petitioner, in the present case, seeking pre-arrest
bail in connection with Barahiya P.S. Case No. 315 of 2019
registered for the offences punishable under Sections 366(A) of
the Indian Penal Code.

After hearing learned counsel for the petitioner and
learned A.P.P. for the State, on 23.11.2020 this court passed the
following order:

“Learned counsel for the petitioner undertakes to
remove all the defects pointed by the Stamp Reporter
within three weeks after start of normal functioning of
the Court.

Heard learned counsel for the petitioner and Mr. Anand
Kishore Chaudhary, learned A.P.P. for the State.

The petitioner in the present case is seeking regular
bail in connection with Barahiya P.S. Case No. 315 of
2019 registered for the offences punishable under
Section 366(A) of the Indian Penal Code.



Learned counsel for the petitioner submits that in the First Information Report it is alleged by father of the victim girl that his daughter is aged about 16 years and was studying in Intermediate in Bihat College, Begusarai but on 20.12.2019 in the morning at 5.00 O'clock daughter of the informant went outside from the house without informing anybody. It is then stated in the F.I.R. that after being searched, when she could not be traced out then the informant went to his sister's place at Papraul, Barauni where he came to know that his daughter used to talk with one Raja Kumar (petitioner) while going to the college and she was also being seen talking with one Aman Kumar who is friend of Raja Kumar.

It is alleged that when the informant went to the family of this petitioner, the family of the petitioner told him that his son cannot be involved in such type of activities. It is alleged that the daughter of the informant who is minor has been kidnapped by the petitioner with the help of Aman Kumar for the purpose of marriage.

Learned counsel submits the F.I.R. has been lodged in this case after four days even after having knowledge of the victim girl being traceless. Pointing out to Annexure '2' which is a copy of the marksheet of the victim girl. Learned counsel submits that the date of birth of the victim girl is 30.11.2000, therefore, on the alleged date of occurrence i.e. 20.12.2019, the victim girl was almost 19 years old, therefore, she was major but by making a false statement she has been described as minor daughter. In this connection the School Leaving Certificate and the copy of Aadhar Card of the victim girl have also been annexed.

Learned counsel further submits that as a matter of fact the victim girl was residing at Papraul, Barauni, Begusarai and her aunt – Phua's house for studying in Bihat college, Begusarai, the sasural of the brother of co-accused Aman Kumar was there where Aman Kumar used to go and he came close to the victim girl and both of them fled away.

Learned counsel further submits that the petitioner being a senior college student the victim girl was talking some time with this petitioner for purpose of some guidance but she was never in love with this petitioner and the petitioner has no connection in the alleged affair of the victim girl with the co-accused Aman Kumar.

Learned counsel submits that in fact this petitioner had informed the father of the victim girl that she had given a phone call to him and had disclosed that she had fled away from her house.

Learned counsel submits that in course of investigation materials have come and those materials would show that



the victim girl was in affair with Aman Kumar and he has gone with him. It is submitted that the petitioner is a student and has remained in jail in connection with this case since 06.03.2020 without there being any prima facie material to connect him in this case.

Call for a legible carbon/photostat copy of the case diary in connection with Barahiya P.S. Case No. 315 of 2019 from the court of learned Chief Judicial Magistrate, Lakhisarai.

List this case on 23rd of December, 2020.

Considering that the victim girl has been shown major and the petitioner is a student and is in jail since 06.03.2020, for the present there being no submission on behalf of the State that release of the petitioner on provisional bail is likely to result to tampering with the evidence, this Court directs release of the petitioner on provisional bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S. Case No. 315 of 2019, subject to the conditions as laid down under Section 437(3) of the 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, or the commission of which he is suspected, and
- (c) that such person shall not, directly or indirectly, make any 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 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

List accordingly.”

In today's hearing, learned counsel for the petitioner has reiterated his submissions.



Learned A.P.P. for the State has gone through the case diary and after going through the same, learned A.P.P. submits that this petitioner was on talking terms with the victim girl. On specific query made by this court as to whether the victim girl has been ever seen with this petitioner and that the I.O. has collected the recording of the talk between the petitioner and the victim girl suggesting any planning at their end, learned A.P.P. submits that no such material has come in course of investigation.

In the given facts and circumstances of the case, let the provision bail granted to the petitioner be confirmed on the same bail bond.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

