

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35863 of 2020

Arising Out of PS. Case No.-132 Year-2020 Thana- BATHNAHA District- Sitamarhi

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BECHAN SAH Son of Bhikhan Sah Resident of Village-Kisanpur, P.S.-
Bathnaha, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh
For the Opposite Party/s	:	Ms. Anita Kumari Singh
For the informant	:	Mr. Alok Kr. Jha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 05-04-2021

Heard the learned counsel for the petitioner, the learned APP for the State and Sri Alok Kr. Jha, the learned counsel for the informant.

The petitioner seeks regular bail in connection with Bathnaha PS case no. 132 of 2020 instituted for the offences punishable under Section 366(A)/34 of Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having kidnapped the victim girl.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 23.07.2020. The learned counsel



for the petitioner has further submitted that the allegation of kidnapping is primarily against the son of the petitioner, who was having an affair with the victim girl. It is further submitted that the victim girl has been recovered by the police and her statement has been recorded by the learned Judicial Magistrate 1st class, Sitamarhi on 12.03.2021, wherein she has been stated to be 18 years of age as per the assessment made by the learned Judicial Magistrate, 1st class, Sitamarhi and in her statement made under Section 164 Cr.P.C., the victim girl has stated that she had voluntarily married the son of the petitioner, whereafter they had gone to Chandigarh and now she is pregnant.

Per contra, the learned A.P.P. for the State though has reiterated the contents of the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate 1st class, Sitamarhi, however has opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds from a bare perusal of the statement made by the victim girl under Section 164 Cr.P.C. before the learned Judicial Magistrate



1st class, Sitamarhi that the victim girl is a major and secondly, she had voluntarily run away with the son of the petitioner and married him, whereafter she has also become pregnant, hence this Court finds that *prima facie*, the petitioner has got no complicity in the alleged crime. Thus, I deem it fit and proper to admit the petitioner to the privilege of bail, accordingly the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha PS case no. 132 of 2020.

(Mohit Kumar Shah, J)

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