

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38504 of 2020
Arising out of P.S. Case No. 382, year- 2020, Thana Supaul, District
Supaul

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Dilkhush Kumar, aged about 22 years (Male), S/O Late Ramchandra Mandal,
R/O Village Chak Dumaria, P.S. Supaul, District Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

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Appearance :

For the Petitioner/s : Mr.Murari Narain Choudhary, Adv.

For the Opp. Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-05-2021

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 the learned counsel for the petitioner and Shri Atul Chandra, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Supaul P.S. Case No. 382 of 2020 for the offence punishable under Sections 366A and 120(B)/34 of the Indian Penal Code.

The allegation is regarding the petitioner 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 and is having a clean antecedent. The learned counsel for the petitioner has referred to the statement made by the victim girl under section 164 Cr. P.C., before the learned Magistrate, 1st Class, Supaul and has submitted that the victim girl has stated that she had voluntarily eloped with the petitioner, whereafter she had performed marriage with him and the family members of the petitioner are ready to keep her. The learned counsel for the petitioner has also referred to the findings of the Medical Board constituted under the Chairmanship of the Civil Surgeon cum- Chief Medical Officer, Supaul dated 15.6.2020 to show that the age of the victim girl has been assessed to be in between 18-20 years, hence, it is submitted that it is not a case where the victim girl has been kidnapped and forcibly married with the petitioner.

Mr. Atul Chandra, the learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the materials available on record as also considering the statement made by the victim girl under section 164 Cr. P.C., this Court finds that the victim girl is a major and she has also not alleged any untoward incident to have been committed by  against her, apart from the fact that

the victim girl appears to have voluntarily eloped with the petitioner, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul/ Incharge Successor Court in connection with Supaul P.S. Case No. 382 of 2020, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

