

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2579 of 2021

Arising Out of PS. Case No.-389 Year-2019 Thana- BODHGAYA District- Gaya

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AMARJEET KUMAR SON OF SRI SIDHESHWAR SINGH RESIDENT OF
VILLAGE- NAUDIHA, POLICE STATION- GURUA, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2, Advocate
For the Informant	:	Mr. Prithvi Raj Singh, Advocate
For the State	:	Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 22-06-2021 Heard Mr. Manish Kumar No. 2, learned counsel

for the petitioner, Mr. Prithvi Raj Singh, learned counsel for

the informant and Mr. Akshay Lal Pandit, learned

Additional Public Prosecutor appearing for the State

through video conferencing.

Petitioner seeks regular bail in connection with

Bodh Gaya (Cherki) P.S. Case No. 389 of 2019, registered

for the offences punishable under Sections 366(A) and 34 of

the Indian Penal Code 1860.

The allegation against the petitioner is that he

abducted the daughter of the informant for the purpose of

marriage.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. Learned counsel further submits that there was love affair between the petitioner and the victim girl and the Doctor has assessed the age of victim girl on the date of occurrence between 18-20 years. However, from the certificate the age of the petitioner comes to 17 years. Learned counsel also submits that there is a tendency in the family to understate the age of the child for the purpose of education. The victim girl was major at the time of occurrence. Learned counsel next submits that after four days of the occurrence, the victim girl returned back to her home and her statement under Section 164 Cr. P.C. was recorded on 27.8.2019. However, the learned Magistrate has put his signature on the statement and disclosed the date of statement as 27.9.2019. In the statement recorded under Section 164 Cr. P.C. the victim girl has disclosed that in the name of marriage, the petitioner has established physical relationship with her forcibly. Learned counsel however submits that due to love affair, the petitioner and the victim



girl remained together for about three days from the alleged date of occurrence and ultimately the victim returned back on 26.8.2019 and, thereafter, on the pressure of her family members, she has given her statement under Section 164 Cr. P.C. The petitioner is in custody since 14.7.2020.

On the other hand, learned counsel for the informant submits that he has filed counter affidavit stating that he has got no objection if the petitioner is released on bail. Learned counsel next submits that victim girl and petitioner are major and they are ready to perform marriage.

Having heard learned counsel for the parties and taking into consideration the materials on record and circumstances that there was love affair between the petitioner and the victim girl, the petitioner is in custody since 14.7.2020, charge sheet has already been submitted in the matter and there is no likelihood that the petitioner will abscond or tamper with the evidence as well as he is student studying in Bachelor of Arts, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of



Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Bodh Gaya (Cherki) P.S. Case No. 389 of 2019.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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