

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9459 of 2021

Arising Out of PS. Case No.-309 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

Nitesh Kumar Son Of Triloki Das Resident Of Village - Kulhariya, P.S.-
Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Jagdishpur
(Goradih) P.S. Case No. 309 of 2020 registered for the offence
punishable under Sections 366 (A) of the Indian Penal Code.

Allegation against the petitioner is that he abducted
informant's daughter Lalita Kumari, aged about 13 years for the
purpose of marriage.

It is submitted by learned counsel for the petitioner that
petitioner has falsely been implicated in this case and has not
committed any offence as alleged in the FIR. He submits that



learned Magistrate while recording the statement of alleged victim girl has assessed her age as 17 years, therefore, at least she was in her age of discretion. He further submits that the statement of the victim girl under Section 161 Cr.P.C. has been recorded in para 31 of the case diary and she has said that she is in love with this petitioner and she wants to marry him, she has not said that she was taken away forcibly. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 09.09.2020

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid particularly the statement of victim under Section 161 Cr.P.C., the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Jagdishpur (Goradih) P.S. Case No. 309 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

U		T	
---	--	---	--

