

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18708 of 2021

Arising Out of PS. Case No.-840 Year-2019 Thana- KANTI District- Muzaffarpur

RAJ KUMAR SHARMA @ GOLU KUMAR SON OF RAMESH PRASAD
R/O VILLAGE- MOTIJHEEL, AREA/LOCALITY/SECTOR-MOHANPURI
COLONY, AT PRESENT VILLAGE- BARHANPURA, P.S.-TOWN,
DISTRICT- MUZAFFARPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jyotsna Rani Mishra, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 17-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 25.03.2020
seeks regular bail in connection with Kanti P.S. Case No. 840
of 2019, for the offence punishable under Section 366(A)/34 of
Indian Penal Code, pending in the Court of S.D.J.M. (West),
Muzaffarpur.

The prosecution case, in brief, is that daughter of
informant, aged about 13 years, was taken away by her friend
Chandni Kumari brother Dilip Sah with some others on the
pretext of feeding her prasad of Chhath, when his daughter did



not return then he started search, but he did not find any clue. The informant has full belief that his daughter has been kidnapped by the accused persons named in the F.I.R., including the petitioner.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that considering the age of the boy and the statement of the victim girl under Section 161 Cr.P.C. as well as under Section 164 of Cr.P.C. the victim girl though has been forced to marry with the petitioner. She has not been subjected to any sexual assault. The statement under Section 164 Cr.P.C. has been made under influence of the parents of the victim. The petitioner has no criminal antecedent and he is in custody since 25.03.2020 the parents are willing to compromise, as such petitioner be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the fact that petitioner had lured the minor daughter of informant from her house and the fact that the victim girl, who is minor in her statement under Section 164 Cr.P.C. has made statement that the petitioner forced her to



marry and material available in course of investigation, this Court directs the learned court below to take statement of father of the victim, mother of the victim as well as father and mother of the petitioner and the statement of independent witnesses under Section 161 Cr.P.C. in course of investigation and the material available on record, the court below is directed to pass a fresh order without being prejudiced by its earlier order dated 03.10.2020 in accordance with law.

Accordingly, the present application filed on behalf of petitioner is disposed of.

(Purnendu Singh, J)

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