

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10681 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- ISHAKCHAK District- Bhagalpur

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Pritesh Kumar, Son of Ranjan Yadav Resident of Village- Janakpur, P.S.-
Amarpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Ishakchak P.S. Case No. 153 of 2021, registered for the

offences punishable under Sections 363 and 366(A) of the

Indian Penal Code.

The prosecution case as emerges from the FIR is

that alleged victim had left her home at 07:00 P.M. on



12.10.2021 on the pretext of visiting fair. Thereafter, she did not come back to her home. It is further alleged that she was aged about 17 years and just passed out Matric in the same year and she used to do video calls and talk with a boy and used to delete these video calls. She used to talk on the mobile of informant-mother and that mobile was not taken by her. The informant-mother of the alleged victim had expressed doubt that someone has enticed her daughter with intent to marry her.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. He also submits that the alleged victim is major as per victim's admit card showing her date of birth as 17.09.2003 whereas date of the alleged occurrence is 12.10.2021. As such, the alleged victim was over 18 years of age on the date of the alleged occurrence. He further submits that even as per the statement of the alleged victim as recorded under Section 164 Cr.P.C., the accused-petitioner had not established physical relationship with her,



though she has alleged that he used to force her to establish physical relationship. He also submits that investigation in this case is complete and charge-sheet has already been submitted and he has been languishing in jail since 19.10.2021 i.e. more than about one year. He also submits that the alleged victim has wrongly stated before Ld. Magistrate regarding using of physical force. He further submits that the fact is that she was in love with the petitioner and her marriage was going to be solemnized with someone else and that is why the alleged victim came to him on her own accord. He also submits that under influence of her mother, she has made false statement against the petitioner. He further points out the statement of informant-mother, which shows that she was voluntarily left the home and she had constantly in touch with the petitioner on telephone showing that she have a love affairs with him.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that



the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail saying that this is a case of abduction.

Considering the aforesaid facts and circumstances, particularly the major age of the victim as well as circumstantial evidence showing love affairs between the petitioner and the alleged victim, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M., XIV, Bhagalpur, in connection with Ishakchak P.S. Case No. 153 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.



(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of



office objections.

(Jitendra Kumar, J)

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