

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15408 of 2022

Arising Out of PS. Case No.-144 Year-2020 Thana- NAYAGAON District- Saran

Sanjit Kumar, S/o Late Sri Bhagwan Ram, Resident of Village - Audha
Bhuwalput, P.S. - Garkha, Distt. - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate.
For the Opposite Party/s : Mrs. Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-08-2022 Heard Mr. Vijay Kumar, learned counsel appearing
on behalf of the petitioner and Mrs. Asha Devi, learned A.P.P.
for the State.

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

The petitioner seeks regular bail in connection with
Nayagaon P.S. Case No. 144 of 2020 for the offence punishable
under Sections 363 and 366A of the Indian Penal Code.

Allegation against the petitioner is that he kidnapped
the minor daughter of the informant with an intention to marry
her.

Learned counsel appearing on behalf of the petitioner
submitted that the daughter of the informant was in love



relationship with the petitioner for nearly 4-5 years and thereafter both of them decided to enter into matrimonial relationship. By the time petitioner performed marriage with the daughter of the informant, she had attained the age of majority. The victim has also admitted the said fact and to that effect she has made her specific statement under Section 164 Cr.P.C. before the Magistrate that she was in love relationship for 4-5 years with the petitioner and had married with the petitioner on her own sweet will and they were living together.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and he has made specific submission that the victim was minor and the petitioner is aged about 28 years and the conduct of the petitioner is against the interest of the victim, as such, the petitioner don't deserve to be released on bail.

Having considered the nature of allegation made against the petitioner, the victim girl has willingly married with the petitioner and they are living together, the petitioner, above named, 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 Judicial Magistrate, Saran at Chapra in connection with Nayagaon P.S.



Case No. 144 of 2020, subject to the condition that **the court below shall record the statement of the victim and her parents and seek willingness of the victim as to with whom she wants to reside till she attains the age of majority.**

Further conditions are as under:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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