

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23300 of 2022

Arising Out of PS. Case No.-244 Year-2021 Thana- AKBARPUR District- Nawada

Rupesh Kumar S/o Ram Sharan Ravat Resident of Village- Pachgama, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Abhay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 05-09-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the Informant.

The petitioner seeks regular bail in connection with Akbarpur P.S. Case No. 244 of 2021 lodged under Sections 363 and 366(A) of the I.P.C. and subsequently section 4/8 of the POSCO Act has been added.

As per the prosecution case, F.I.R. has been lodged by the father of the victim that his daughter is aged about 16 years who reads in class 10 has been kidnapped by the petitioner. There were 3 persons made accused in the F.I.R.

Learned counsel for the petitioner submits that upon recovery, the statement of alleged victim was recorded under

Section 164 of Cr.P.C. in which she has disclosed her age as 19 years and Court has ascertain her age as 19 years. He further said that in her statement recorded under Section 164 Cr.P.C. no allegation of using force are there. He further submits vide Annexure-3 that the victim was handed over to the family of husband. It has also been considered by virtue of filing the supplementary affidavit that victim was pregnant and presently she delivered a male child, about her age she has also made clarification in the said affidavit. Learned counsel for the petitioner further submits that it is not a case of kidnapping rather it is a case of marriage without the consent of family of the victim. He further submits that petitioner is in custody since 24.01.2022, charge sheet has already been filed in this case and he has clean antecedent.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that order dated 03.06.2021 (Annexure No.3) has been obtained by committing fraud. He further submits that being aggrieved and dissatisfied from the said order dated 03.06.2021 passed in this case has been challenged in Criminal Revision and was set-aside,

thereafter the said girl has been directed to kept in Child Care Home at Gaighat in Patna (a certificate issued by the Superintendent is annexed as Annexure No.9). On the query that whether charge has been framed in this case or not, learned counsel for the petitioner is not in a position to inform this Court in this regard.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail the petitioner at present, but liberty is hereby given to the petitioner that he shall renew his prayer for bail before Trial Court, one month after framing of charge.

Learned Trial Court is directed to release him on bail on its own condition.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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