

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32258 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- PARSABAZAR District- Patna

AKASH KUMAR Son of Arun Thakur Resident of Village - Kurthaul, P.S.-
Parsa Bazar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Radhe Shyam, Advocate
For the State	:	Mr. Jai Ram Thakur, A.P.P.
For the informant	:	Mr. Uday Shankar, Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-03-2022 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner, Mr. Uday Shankar Choudhary learned
counsel for the informant and Mr. Jai Ram Thakur, learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Parsa
Bazar P.S. Case No. 228 of 2020 registered for the offences
punishable under Sections 363 and 366(A) the Indian Penal
Code 1860.

The allegation, as per the First Information Report, is
that the two daughters of the informant fled from their home
along with ornaments and cash. It has further been alleged that
in the past also both daughters of the informant had fled away
with Johny Keshri and Akash Kumar for the purpose of



solemnizing marriage, for which, Parsa Bazar P.S. Case No. 106/2020 was lodged.

Learned senior counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and there was love affair between the petitioner and daughter of the informant Ankita Keshri and another daughter of the informant was having love affair with co-accused Johny Keshri. Learned counsel further submits that the statement of the victim girl was recorded under Section 164 Cr. P.C. in which she has stated that she had left her house along with the petitioner, her elder sister and Johny Keshri and they stayed at Ranchi. He also submits that the petitioner is neighbour of the victim girl and they were having love relationship with each other. He next submits that at some point of time, they had made physical relationship also.

On the other hand, learned counsel for the informant submits that the victim is minor and from perusal of 164 statement it would be evident that a physical relationship was made with the victim girl, and since the victim girl is minor, her consent is immaterial.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the



fact that the victim girl along with her elder sister had left the house for the purpose of solemnizing marriage with the petitioner and they were having love relationship for the past several years and earlier also the victim girl had left her house along with the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.40,000/- (Forty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, VIII, Patna, in connection with Parsa Bazar P.S. Case No. 228 of 2020.

(Anil Kumar Sinha, J)

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