

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24641 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

Pankaj Kumar Son Of Kamala Singh R/O Village - Lohra, P.S.- Chainpur,
District - Kaimur (Bhabua), Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-08-2022 Let the defect(s), as pointed out by the office, if any,
within a period of four weeks from today.

Heard Mr. Tribhuwan Narayan, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner, above
named, who has been made accused and put behind the bar in
connection with Bhabua P. S. Case No. 08 of 2022 for the offence
punishable under section 366(A) of the Indian Penal Code.

As per the prosecution case, it is alleged that on
29.01.2021, the daughter of the informant namely Vaishnavi kumari
aged about 16 years has left her house for college but she did not
return. On 31.12.2021 the informant received mobile call of the
petitioner, who confessed that he has taken away her daughter along
with him.



Learned counsel appearing on behalf of the petitioner submits that admittedly with regard to an occurrence which took place on 29.12.2021, the present F.I.R has been instituted on 03.01.2022. It is further submitted that in fact the daughter of the informant left her house voluntarily and went away along with the petitioner. It is next submitted that after institution of the F.I.R, the victim has returned and her statement was recorded under section 164 of the Cr.P.C where in she has categorically stated that she voluntarily left her house with the petitioner because her parent wanted to get her marriage done with another boy and she is in love with the petitioner. Victim also stated that her cousin used to misbehave with her and the informant supported them. It is also submitted that the victim was examined by the doctor wherein her age was assessed to be 18 to 19 years and as such the victim is a majour girl and she voluntarily left her house and went along with the petitioner.

On the other hand learned counsel for the state opposed the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that statement of victim was recorded under section 164 of the Cr.P.C as also the medical report wherein her age has been assessed as 18 to 19 years and moreover, this petitioner having fair antecedent and is in custody since 04.03.2022, let the petitioner, above named, be released on bail on



furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur in connection with Bhabua P. S. Case No. 08 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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