

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29689 of 2022

Arising Out of PS. Case No.-269 Year-2021 Thana- GANGABRIDGE District- Vaishali

VIKASH KUMAR Son of Yogendra Paswan Resident of Village -
Sahdullapur, P.s.- Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjit Kumar Thakur, Advocate
For the Opposite Party/s	:	Mr.Shantanu Kumar, A.P.P.
For the Informant	:	Mr. Raja Ram Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ganga Bridge P.S. Case No. 269 of 2021 registered for the alleged offences under Sections 363, 366(A), 504, 506, 120(B) and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons took away the minor daughter of the informant for the purpose of marriage.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case and the victim girl was recovered and has recorded her statement under Section 164 Cr.P.C. wherein she has stated that she went with the petitioner on her own and she stated her age to be 19 years. The learned Magistrate assessed her age to be 18 years. In any case she was a major. The daughter of the informant has solemnized marriage with the petitioner in Arya Samaj Vivah Mandal, New Delhi and her date of birth is 16.09.2002 and this fact is also apparent from the PAN card and Aadhar Card. Learned counsel further submits that charge sheet has been submitted in this case and the petitioner is in custody since 15.02.2022.

Learned APP for the State opposes the prayer for bail of the petitioner. However, he submits that the victim girl appears to be major and from her statement recorded under Section 164 Cr.P.C. and she willingly went with the petitioner.

In the light of the aforesaid facts and circumstances and submission made on behalf of the parties and further considering the fact of majority of the victim girl and her admission about willingly leaving the house of father and solemnizing marriage with the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 269 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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