

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33332 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Rahul Kumar Ray @ Rahul Kumar, S/o Sanjay Roy, R/o Village- Parora, P.S.-
K. Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with K. Hat P.S. Case No. 178 of 2022, registered for the alleged offences under Sections 363, 366 (A) of the Indian Penal Code and Section 09 of Prohibition of Child Marriage Act, 2006.

As per prosecution case, the informant alleged that the petitioner enticed away his minor daughter for the purpose of marriage.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the victim girl has been recovered and her statement was recorded under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C. In both



her statements, she has stated that she went with the petitioner out of her sweet will and the petitioner did not apply any force or coercion. There is no allegation of any sexual assault in her statements. She has further stated that she has solemnized marriage with the petitioner. Even though the victim girl stated her age to be 16 years, she appears to be sufficiently mature to understand the consequences of her act. It was a case of love affair between the petitioner and the victim girl and no offence under Section 363 or 366 A IPC would be made out against the petitioner. The petitioner is a student of B.A. Part III and is in custody since 24.02.2022. The petitioner is having clean antecedent. The charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the victim girl was minor when she was taken away by the petitioner and her consent is immaterial in the background of minority.

Perused the records.

Having regard to the facts and circumstances and submissions made here-in-above and considering the voluntary act of the victim girl and absence of any allegation of sexual assault and further considering the period of custody of the petitioner along with submission of charge sheet as well as his



clean antecedent, 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, Purnea, in connection with K. Hatt P.S. Case No. 178 of 2022, 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

