

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.42385 of 2021**

Arising Out of PS. Case No.-854 Year-2020 Thana- KHAGARIA District- Khagaria

VIKASH KUMAR @ GAURAV KUMAR, Son of Niranjan Poddar, Resident
of Village- Awas Board, P.S.- Chtragupta Nagar, Dist- Khgaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaudhary, Adv.
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Rajendra Nath Jha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Khagaria (Sadar) P.S. Case No.854 of 2020
registered for the offences punishable under Section 366(A) of
the Indian Penal Code. He has no criminal antecedent and has
remained in custody in connection with this case since
26.03.2021.

Learned counsel for the petitioner submits that it is a
case of love affair between the petitioner and the victim girl.



The victim girl has presented herself before the learned Magistrate and in her statement under Section 164 Cr.P.C. she has disclosed that she had gone with the petitioner and has solemnized marriage with him. She has further stated that she wants to live with the petitioner in his house. It appears from her statement under Section 164 Cr.P.C. that she had left her house on her own will on 10.11.2020 and the statement has been recorded on 24.12.2020.

Learned counsel further points out from the medical examination report of the victim that she has been assessed between 17 to 19 years of age.

Learned APP for the State submits that the statement of the victim under Section 164 Cr.P.C. would be relevant for purpose of consideration of the case of the petitioner for bail.

Having regard to the materials noticed hereinabove in which the victim girl has stated that she had left her house on her own volition and has solemnized marriage with the petitioner, the petitioner has remained in custody for over 10 months, investigation against him is complete and his appearance may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Chitragupta Nagar) P.S. Case No.854 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

