

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43515 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- SHANKARPUR District- Madhepura

AJAY KUMAR Son of jay Kishor Yadav Resident of Village- Kolhua Ward
No. -13, P.S. - Shankarpur, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Shakarpur P.S. Case No. 22/2021, registered for the offence punishable under Section 366(A) of the Indian Penal Code.

The allegation is regarding the victim girl having been taken away by the petitioner herein.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 20.2.2021. The learned counsel for the petitioner has further submitted by referring to the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate that the victim girl had voluntarily eloped with the petitioner, whereafter the petitioner and the said victim girl had solemnized marriage and the victim girl has categorically stated that she wants to stay with the petitioner. It is also apparent from the said statement that the age of the victim girl has been mentioned as 18 years. It is thus submitted that since the victim girl is major and has voluntarily solemnized marriage with the petitioner, the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the the statement made by the victim girl under Section 164 Cr.PC. before the learned Magistrate, as aforesaid, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since a long time, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM I Madhepura in connection with Shankarpur P.S. Case No. 22/2021.

(Mohit Kumar Shah, J)

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