

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38515 of 2022**

Arising Out of PS. Case No.-311 Year-2021 Thana- BHELDI District- Saran

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SUJIT RAM @ SUJIT KUMAR RAM Son of late Krishn a Ram Resident of  
Village - Manupur, P.s.- Dighwara, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sarva Deo Singh, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      10-10-2022              Learned counsel for the petitioner is permitted to  
  
remove defect(s), as pointed out by the office, if any, within a  
  
period of four weeks from today.

Heard Mr. Sarva Deo Singh, 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 Bheldi P. S. Case No. 311 of 2021  
  
registered for the offences punishable under Sections 363,  
  
366(A) of the Indian Penal Code.

The prosecution case is based on a written  
  
complaint filed by the informant alleging therein that her  
  
daughter, namely, "X" was found traceless since 29.09.2021,



however, in course of search, she came to know that three persons including the petitioner abducted the daughter of the informant for wrongful purposes and she also disclosed that the date of birth of her daughter as sixteen years.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it would be evident that the allegation has been levelled against three persons including the petitioner, however, during the course of investigation, the statement of the victim was recorded under Section 164 Cr.P.C. which has been brought on record by way of annexure 2 to this application, wherein the victim has categorically stated that she voluntarily left her house and solemnized marriage with the petitioner and they were living peacefully at Panipath, Haryana along with the family members. She did not make any allegation against the petitioner. It is also submitted that from the Aadhar Card of the victim, her date of birth has been disclosed as 17.08.2001 and now the victim is more than twenty years old and she is a major one and as such, no offence is made out under any of the penal provision of the Indian Penal Code. It is last submitted that the petitioner having fair antecedent, is in custody since 17.12.2021 and now he is ready to give undertaking that he will fully cooperate in the trial



till its conclusion.

On the other hand, learned APP for the State opposes the bail application and submits that from the F.I.R. it would be evident that the victim is a minor one and as such, her consent is immaterial.

Regard being had to the submissions made on behalf of the parties and taking into account the statement of the victim recorded under Section 164 Cr.P.C. and her date of birth prescribed in Aadhar Card, apart from the antecedent of the petitioner and his period of incarceration, 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 Judicial Magistrate, Chapra, Saran in connection with Bheldi P. S. Case No. 311 of 2021, 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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