

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45194 of 2021**

Arising Out of PS. Case No.-700 Year-2020 Thana- KHAGARIA District- Khagaria

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BRAHMDEO KUMAR @ VERMA CHOUDHARY, Son of Lalo Choudhary
@ Lala Choudhary, Resident of Village- Navtolia Jahangira, P.S.- Gangour,
District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 05.04.2021,
seeks regular bail in connection with Khagaria (Gangour) P.S.
Case No. 700 of 2020, registered for the offence punishable
under Section 366(A) of the Indian Penal Code.

The prosecution case, in brief, as per the allegation
made by the informant who is mother of the victim girl that
while she went to feed her cow the petitioner alongwith four
unknown persons possessed with arms kidnapped the daughter

of the informant forcibly for the purpose of marriage who was recovered later. The age of the victim girl is between 16 to 18 years.

Learned counsel appearing on behalf of the petitioner submits that present case is of illegal confinement. No case is made out under Section 366A of I.P.C. which is a major offence. He further submits that there is difference between illegal confinement and the allegation under Section 366A of I.P.C. He further submits that the family of the victim and petitioner have entered into compromise.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that petitioner has been made accused under Section 366A of IPC and he has tried to rape. There is direct allegation of kidnapping and attempt to rape against the petitioner. Hence, petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, the Court below is directed to take the statement of the father and mother of the victim girl as well as the accused petitioner's parents and the independent witnesses whose name has surfaced in the case diary and also to take into consideration the fact that the victim has entered into the

compromise, pass a fresh order by not being prejudiced by his
earlier order dated 06.07.2021.

Accordingly, the present bail application is disposed
of.

(Purnendu Singh, J)

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