

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44818 of 2021**

Arising Out of PS. Case No.-79 Year-2021 Thana- NAVINAGAR District- Aurangabad

JITENDRA KUMAR @ JITENDRA KUMAR RAM Son of Awadhesh Ram
Resident of Village - Nerua, P.s.- Navinagar (Badem O.P.), Distt.-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Lalan Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 04-01-2022 The present petition 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 learned counsel for the petitioner and learned counsel for the State.

Petitioner seeks bail in connection with Navinagar (Badem) P.S. Case no. 79 of 2021 registered for the offence punishable under sections 366, 323, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is in custody since 8.6.2021, is person with clean antecedent and charge sheet has been submitted. Learned



counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence is of 17.3.2021 and FIR came to be instituted on 11.4.2021 and delay has not been explained. Learned counsel submits that the informant in the FIR alleges that on 17.3.2021 at about 5 a.m. informant's daughter aged about 18 years went outside the house to attend call of nature but she did not return to her house. Accordingly, search was conducted but no trace was found. It is next alleged that later on informant came to know that petitioner had kidnapped his daughter with intention to marry and the petitioner was assisted by his brother-in-law along with other family members in kidnapping the daughter of the informant. Learned counsel submits that since daughter of the informant was in love with this petitioner and the fact was known to the informant as such he did not institute the FIR on 17.3.2021. Learned counsel submits that the petitioner and the victim girl got married and marriage was before Notary Public, Aurangabad as is evident from Annexure 3 but when the alleged victim returned home after marriage under the influence of her parents, she stated that she was forcibly kidnapped in her 164 statement.

Learned APP opposes the prayer for bail.



Considering the facts that FIR came to be instituted after nearly delay of more than 24 days, annexure 3 prima facie demonstrates that the petitioner and the victim got married, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate I, Aurangabad in Navinagar (Badem) P.S. Case no. 79 of 2021.

(Satyavrat Verma, J)

s.hassan/-

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