

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45389 of 2021

Arising Out of PS. Case No.-26 Year-2019 Thana- MAHILA P.S BAGHA District- West
Champaran

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Ajay Kumar S/O Late Ramchandra Mahto @ Shyamlal Dihait R/O Village-
Naurangiya, P.S.- Naurangiya, District- West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-01-2022 Heard the learned counsel for the petitioner and the
learned APP for the State through video conferencing.

The petitioner seeks bail in connection with Bagaha
Mahila P. S. Case No.26 of 2019, instituted for the offences
under Section 366(A) of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 13.04.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant in the F.I.R. alleges that on 16.05.2019, one Babiya
Kumari came to his house and informed his daughter Jainab
Khatoon that Ajay Kumar (petitioner) is calling you and



thereafter his daughter left and since then she is missing. Accordingly, the present F.I.R. was instituted.

The learned counsel for the petitioner submits that the victim and the petitioner were in love and they had eloped and the victim returned after one and half years and in her statement before the police recorded under Section 161 of the Cr.P.C. and in her statement under Section 164 of the Cr.P.C. has clearly stated that she married with Ajay Kumar in Gujarat and were living like husband and wife.

The learned A.P.P. for the State opposes the bail application and submits that though it has been pleaded in the bail application that the victim in her statement under Section 164 of the Cr.P.C. has not supported the prosecution case, but the statement is not annexed with bail petition.

Considering the fact that the petitioner is in custody since 13.04.2021, he is a person with clean antecedent, charge-sheet has been submitted in the case and it has been pleaded in the bail application that the victim has not supported the prosecution case rather has stated that she married Ajay Kumar in Gujarat and were living like husband and wife, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bagaha, West Champaran in connection with Bagaha Mahila P. S. Case No.26 of 2019, provided the learned Court below is satisfied after perusing the statement under Section 164 of the Cr.P.C. that victim has stated that she had married this petitioner in Gujarat.

The application stands allowed.

(Satyavrat Verma, J)

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