

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45083 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- TURKAULIYA District- East Champaran

Rahul Kumar, son of Lalbabu Yadav, R/o village- Patkhauliya Bhela Chhapra,
P.S.- Turkauliya, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Heard learned counsel for the petitioner and Mr.
Choubey Jawahar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Turkauliya P.S. Case No. 72 of 2020 registered for the offences punishable under Section 363, 366(A), 504/34 of the Indian Penal Code. He is in custody since 05.04.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the victim girl had gone outside her house on 24.01.2020 at about 8:00 p.m. to meet the call of nature, but she did not return till 10:00 O'clock in night. The informant who is father of the victim girl claims that in course of his search he came to know that this petitioner had taken away his daughter on motorcycle and his daughter is missing. It is alleged that when the informant went to the house



of this petitioner, the petitioner was found missing from his house and on inquiry made from his parents, they abused and assaulted him and told that the petitioner has kidnapped his daughter for purpose of marriage.

Learned counsel for the petitioner submits that from the First Information Report itself, it may be found that the father of the victim girl was fully aware of the proximity of his daughter with the petitioner, he raised suspicion that the petitioner had taken away his daughter on the motorcycle. It is submitted that the informant did not disclose as to who saw the daughter of the informant weeping on the motorcycle.

Learned counsel further submits that the F.I.R. was lodged after about nine days and this further shows that the informant was fully aware of the circumstances under which his daughter might have eloped with the petitioner. The victim girl has returned after ten days and only thereafter the F.I.R. was lodged and by pressurizing the victim girl allegations have been made now that she was forcibly made to sit on the motorcycle and then she was taken away by this petitioner with the help of Chhotan Kumar and Madan Rai. The victim girl claimed that she did not know the petitioner which is nothing but a kind of false plea which has been taken by the victim, she has disclosed



her age about 17 years.

Learned counsel submits that the victim girl has not made any allegation of committing any wrong act with the victim, and therefore, considering that it is a case of love affair between the petitioner who is aged about 20 years and the victim who was about 18 years of age and that the petitioner has remained in jail for almost one year, investigation against him is complete, therefore, he may be released on bail.

Mr. Choubey Jawahar, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but in course of submissions, learned A.P.P. has submitted that it seems that girl was knowing this petitioner from before as both are of the same village and within the same police station.

Considering the facts and circumstances of the case, the relative age of the petitioner and the victim girl and that the F.I.R. in this case was lodged after nine days, the petitioner has already remained in jail since 05.04.2021, investigation against him is complete and his presence may be secured in course of trial, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East



Champaran, Motihari in connection with Turkauliya P.S. Case No. 72 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

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