

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50695 of 2021

Arising Out of PS. Case No.-290 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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PRATIK PRAMOD SINGH, Son of Late Paras Prasad Resident of Village -
Kothia Majar (North Water Tanki), P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2022 Heard the learned counsel for the petitioner and the
learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with
Muzaffarpur Sadar P.S. Case No. 290 of 2021, instituted for the
offences under Sections 363, 366(A) of the Indian Penal Code.
The learned counsel submits that in a mechanical manner,
chargesheet came to be submitted under Section 376 of the IPC.

The learned counsel for the petitioner submits that the
petitioner is in custody since 11.04.2021, he is a person with
clean antecedent, charge-sheet has been submitted.

It is further submitted that the informant alleges that
his minor daughter on 07.04.2021 had gone for coaching class at
8:30 A.M. but did not return till 11:00 A.M. and thus informant



and his family members searched the victim but she could not be located and thereafter about 2-3 days, the informant came to know that the petitioner had abducted his daughter for marriage.

The learned counsel for the petitioner submits that from perusal of the allegation, as alleged in the FIR, it would manifest that the occurrence, if any, had taken place on 07.04.2021 and for three days, the informant remained silent despite not being located and thereafter it is alleged that after 2-3 days, the informant came to know that the petitioner has abducted her daughter for the purpose of marriage. The learned counsel further submits that this in itself demonstrate that the informant was aware that the victim on her own sweet will had either left or eloped with the petitioner. The learned counsel further submits that to make the case more grave, the informant in the FIR alleges that the victim is a minor but no documentary evidence in support of the same has been brought on record during the course of investigation. The learned counsel submits that the date of birth of the victim is 12.08.2002, as is evident from Annexure-2, which has been issued by Bihar School Examination Board, Patna. The learned counsel further submits that the petitioner and the victim got married in a temple at Sitamarhi, in support of which Annexure-3 series has been



annexed with the bail application. The learned counsel further submits that as far as allegation of rape is concerned that also get negated by the medical report. The learned counsel thus submits that since the victim and the petitioner belonged to different caste and they married, as such, it was being opposed by the informant and his family members and when the victim returned to her parents after marriage, she was forced to give her statement under Section 164 Cr.P.C. alleging that the petitioner forcefully establish physical relation with her which does not get corroborated by the medical report.

Learned A.P.P. vehemently opposes the bail application and learned counsel for the informant, Mr. Nachiketa Jha, also vehemently opposes but is not able to meet the submissions of the learned counsel for the petitioner that as to why the informant despite knowing that victim is a major portrayed her as a minor in the FIR, further is also not able to meet the submissions of the learned counsel for the petitioner that the medical report negates.

Considering the fact that petitioner is in custody since 11.04.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and the medical report negates and the victim is a major, the petitioner, above-named, is



directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Muzaffarpur Sadar P.S. Case No. 290 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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