

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52922 of 2021

Arising Out of PS. Case No.-49 Year-2021 Thana- PRATAPGANJ District- Supaul

AVINASH KUMAR THAKUR, Son of Balram Thakur Resident of village
Pratapganj, Ward No. 10, P.S. Pratapganj, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patla Kumari

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-02-2022 Heard the learned counsel for the petitioner and the
learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with
Pratapganj P.S. Case No. 49 of 2021, instituted for the offences
under Section 366 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 07.06.2021, he is a person with
clean antecedent, charge-sheet has been submitted and the
informant alleges that petitioner on 17.05.2021 allured the
daughter of the informant aged about 19 years and eloped with
her despite the fact that daughter was married from before. It is
further alleged that during search, the informant came to know
that petitioner had kept the victim in his house at Pratapganj and
when informant talked to her daughter, she informed that



petitioner against her wish has kept her in his house, further that the petitioner at any time can elope with the victim outside the State.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case, further the petitioner and the victim were in love and the victim on her own violation being a major and despite being married had eloped with the petitioner. The learned counsel further submits that if the petitioner had any inkling that the victim was not happy with him then he would not have allowed her to talk to the informant, further the victim was married from before that further points to the fact that she on her own violation eloped with the petitioner. The learned counsel submits that date of occurrence is 17.05.2021 and the FIR came to be instituted on 16.06.2021 without any plausible explanation which further shows that informant was aware of the relationship of the petitioner with the victim or else he would have immediately lodged an FIR after the occurrence. The learned counsel submits that after the victim returned under parental pressure and that she was married, she supported the prosecution case in her statement under Section 164 of the Cr.P.C. The learned counsel further submits that from Annexure-2 to the bail application, it would



be evident that the victim had married the petitioner.

The learned A.P.P. vehemently opposes the bail application.

Considering the fact that the petitioner is in custody since 07.06.2021, he is a person with clean antecedent, charge-sheet has been submitted and taking into consideration the submission made by learned counsel for the petitioner, 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, Supaul, in connection with Pratapganj P.S. Case No. 49 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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