

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57538 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- DINARA District- Rohtas

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Ajay Ram, Son of Kamala Ram, R/O Village- Kalhariya, P.S.- Narahi,
District- Balia (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 20-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rang Nath Choubey, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Dinara (Bhanas) P.S. Case No. 101 of 2021 registered for the offences punishable under Sections 341, 323, 363, 365 of the Indian Penal Code. Later on Section 366(A) of the Indian Penal Code was added.

As per prosecution case, it is alleged that on 02.06.2021, at about 10:00 AM, the daughter of the informant had gone to market, but she did not return. The informant tried to search out his daughter, but could not find her whereabouts. It is further alleged that his daughter had telephonically informed



that the petitioner had kidnapped her and taken away to his home.

Learned counsel appearing on behalf of the petitioner submits that admittedly, as is evident from the F.I.R., the occurrence took place on 02.06.2021, however, the present F.I.R. has been instituted on 08.06.2021 and no explanation of delay has been assigned. He next submits that during the course of investigation, the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. wherein she has stated that she was talking with the petitioner for the last six months through mobile phone and on the allurement made by the petitioner, she went along with him. However, when she reached at the house of the petitioner, she found that the petitioner was living in a tent and soon thereafter she called her father on his mobile and thereafter she was taken to her house. It is also submitted that from the statement of the girl, it is evident that no wrongful act has been committed with her, apart from the fact that her statement also suggests that she has called her father on the same day and thereafter he came and took away his daughter, but the F.I.R. has been instituted after the delay of six days. He further submits that the age of the victim has been assessed as 17 years and, she also disclosed her age to be 17



years before the learned Magistrate and no sign of assault etc. has been found over the body of the victim. He lastly submits that the petitioner, having fair antecedent, is in custody since 10.06.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the victim is a minor and, as such, her consent is of no value in the eyes of law, inasmuch, as she has stated that it is the petitioner, who by alluring the girl has taken away.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of the Cr.P.C., wherein she has not made any allegation against the petitioner, save and except the allurement, apart from the period of incarceration and fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with Dinara (Bhanas) P.S. Case No. 101 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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