

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54204 of 2021

Arising Out of PS. Case No.-157 Year-2020 Thana- PIRPAINTI District- Bhagalpur

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DINESH THAKUR S/o Dilip Thakur Resident of Village- Tarwa Dulduliya,
P.S.- Pirpainti, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 29-08-2022 Learned senior counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

At the outset, learned senior counsel for the petitioner submits that vide order dated 10.05.2022, the notice was issued to the opposite party no. 2 and the same has been validly served upon him but till date he has not entered his appearance.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Pirpainti P. S. Case No. 157 of 2020 giving rise to Sessions Trial No. 76 of 2021 registered for the



offences punishable under Sections 366(A) and 376 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 12.07.2020, the daughter of the informant had gone to attend the nature call, but she did not return thereafter, all the family members tried their best to search her but could not find her whereabouts. The informant suspected the hands of the petitioner, went to his house but his parents and other family members abused and assaulted him. It is further alleged that the petitioner kidnapped his daughter for the purposes of marriage with the help of his family members.

Learned senior counsel appearing on behalf of the petitioner submitted that as per the F.I.R., admittedly the occurrence took place on 12.07.2020 but surprisingly, this F.I.R. has been instituted on 20.08.2020 after the delay of more than 40 days without assigning any reason for delay. It is next submitted that during the course of investigation, the victim girl was recovered and her statement was recorded by the police as well as before the court under Section 164 of the Cr.P.C., in her statement, she categorically stated that she has voluntarily left her house as she was in love with the petitioner and they have later on, solemnized marriage in a temple and not made any



allegation that she was forcefully taken away by the petitioner, the victim was also examined by the doctor and her age has been assessed between 16 to 18 years. In her statement recorded under Section 164 of the Cr.P.C., first time she stated that on the alleged date of occurrence, the petitioner had given some edibles and after taking it, she lost her conscious and thereafter, she went along with the petitioner on his motorcycle to Sultanganj.

On the other hand, learned APP for the State opposes the bail application and submits that the victim is a minor girl and her consent has no matter in the eyes of law and she has categorically stated that she was taken away by the petitioner after giving some intoxicant.

Having considered the submissions made on behalf of the parties and taking into account the delay in lodging of the F.I.R. as well as the statement of the victim girl and her age, which has been assessed between 16 to 18 years and moreover, the petitioner is in custody since 19.10.2020, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Bhagalpur



in connection with Pirpainti P. S. Case No. 157 of 2020 giving rise to Sessions Trial No. 76 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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