

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46432 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- BAKHTIYARPUR District- Patna

SURAJ KUMAR Son of Sanjit Mahato @ Ranjeet Mahato, Resident of
Village - Sukumarpur, P.O.- Jafraabad Dih Dehuni, P.s.- Phatehpur, Distt.-
Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niraj Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-12-2022

Ref.:-I.A. No. 1 of 2022

The present interlocutory application has been filed pursuant to defect being pointed out by the office to the effect that the name of the father of the petitioner, as mentioned in the FIR, is different from what has been mentioned in the cause title of the present petition.

The learned counsel for the petitioner has submitted, by referring to the interlocutory application, that the name of the father of the petitioner be mentioned as Sanjit Mahato @ Ranjeet Mahato in the cause tile of the present petition.



Having regard to the submissions made by the learned counsel for the petitioner, I deem it fit and proper to direct that the name of the father of the petitioner be mentioned as Sanjit Mahato @ Ranjeet Mahato in the cause title and accordingly, the same be depicted in the order-sheet.

Criminal Miscellaneous No. 46432 of 2022

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Bakhtiyarpur P.S. Case No. 105/2021, registered for the offence punishable under Section 366 of the Indian Penal Code.

The allegation is regarding the petitioner having allured the victim girl and taken her away to an unknown place.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 25.3.2021. The learned counsel for the petitioner has submitted, by referring to



the statement of the victim girl made under Section 164 Cr.P.C., before the learned Magistrate (Annexure-2 to the present petition) that the victim girl has herself stated that she was having a love affair with the petitioner, hence, she had eloped with the petitioner and solemnized marriage with him as also she is pregnant and bearing the child of the petitioner, apart from her having stated that she wants to stay with the petitioner. The learned counsel for the petitioner has also stated that the victim girl is major as is apparent from her aadhar card, which is annexed as Annexure-4 to the present petition, hence no case of kidnapping is made out.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact



that the victim girl, in her statement made under Section 164 Cr.P.C., before the learned Magistrate, has admitted that a love affair was existing in between her & the petitioner and they had solemnized marriage, whereafter she has also become pregnant, apart from the fact that the petitioner has nowhere alleged that the petitioner had forcibly abducted her, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged 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 A.C.J.M. 3rd, Barh in connection with Bakhtiyarpur P.S. Case No. 105/21.

(Mohit Kumar Shah, J)

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