

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56732 of 2021

Arising Out of PS. Case No.-339 Year-2020 Thana- TURKAULIYA District- East
Champaran

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Rajkumar Son Of Dhora Ram R/O Village- Chailaha Kuriya, P.S.- Banjaria
(TURKAULIYA), District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.
For the Opposite Party/s : Mr. Abhishek Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 13-09-2022 Learned 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. Abhishek Kumar, learned counsel for the
petitioner as well as Mr. Abhishek Kumar, learned Additional
Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Turkauliya P. S. Case No. 339 of 2020
registered for the offences punishable under Sections 363, 366,
504, 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
16.05.2021 at about 03:30 A.M., the petitioner kidnapped the



daughter of the informant, aged about 15 years with intention to marriage. Thereafter, the informant went to the house of the petitioner, however, when the query was made the parents and brother of the petitioner abused and assaulted him.

Learned counsel appearing on behalf of the petitioner submitted that during the course of investigation, the victim was apprehended and her statement was recorded under Section 164 of the Cr.P.C. wherein, she has categorically stated that she voluntarily left her house and solemnized marriage with the petitioner and in fact, she stated that her father has falsely lodged this case. In support of his statement, the statement of the victim recorded under Section 164 of the Cr.P.C. was brought on record by way of annexure 2 to this application. It is next submitted that there is no element of enticement against the petitioner that he has ever enticed the victim girl nor there is allegation of use of any force and as such, no case is made out under Section 366 A of the Indian Penal Code. It is next submitted that now the charges have been framed and he is ready to give undertaking that he will present on each and every date of trial till its conclusion and will not indulge in tampering with the evidences and intimidating the witnesses. It is last submitted that the petitioner is aged about 20 years and he is in



custody since 03.06.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the victim is aged about 15 years and as such, her consent hardly matters. He also submits that from the materials available on record, it appears that at the time of her arrest, she was found pregnant, which shows clear implication of the petitioner.

Regard being had to the submissions made on behalf of the parties and taking into account the statement of the victim recorded under Section 164 of the Cr.P.C. coupled with period of incarceration and his fair antecedent and undertaking, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya P. S. Case No. 339 of 2020, 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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