

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57194 of 2021

Arising Out of PS. Case No.-365 Year-2021 Thana- PHULWARISHARIF District- Patna

Niraj Kumar @ Monu @ Kunwar Jhunjhun Latsaheb, Son of Late Vidya Sagar Samayar, Resident of village - Birla Colony, P.S.- Phulwari Sharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shrinath Manjhi, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-03-2022 Heard Mr. Shrinath Manjhi, learned counsel for the petitioner, Mr. Tarun Prasad Mandal, learned APP for the State and Mr. Kunal Goutam, learned counsel for the informant.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks bail in connection with Phulwari Sharif P.S. Case No. 365 of 2021 registered under Sections 363, 366, 376 and 417 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 22.04.2021, is a person with clean antecedent and charge-sheet has been submitted. Learned counsel further submits that the informant alleges that his daughter on 03.04.2021 had gone for coaching and when she did



not return, a search was made but the victim could not be located, thereafter the informant came to know that his daughter used to talk to the petitioner, thus alleges that the petitioner allured the victim and took her and the victim while leaving the house also took Rs.2,80,000/-.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. From perusal of the F.I.R., it would be manifest that the informant accepts that the victim and the petitioner were known to each other, were talking to each other and the victim while leaving the house had taken Rs.2,80,000/- with her, this amply demonstrates that the victim and the petitioner were in love and she allured by the petitioner. Learned counsel further submits that the victim after eloping married the petitioner and draws the attention of the Court to Annexure-4 to the bail application, which is a marriage certificate by Marriage Officer of Patna. Learned counsel submits that after the victim came back she under parental pressure made her statement under Section 161 and 164 of the Cr.P.C. alleging that the petitioner forcefully had taken her and has established physical relation and on threat of making Video viral. Learned counsel submits that if the victims statements is correct, then why she took Rs. 2,80,000/- while



fleeing and the fact that she was talking to the petitioner from before as alleged in the F.I.R. that in itself demonstrate that they were in love.

Learned APP and the informant opposes the bail application, but the learned counsel for the informant is not able to meet the submissions of the learned counsel for the petitioner with regard to Annexure-4 and the victim leaving the house with Rs.2,80,000/-.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted, is a person with clean antecedent and taking into consideration the submissions of the learned counsel for the petitioner, the petitioner, named above, is directed to 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 Additional Chief Judicial Magistrate-IX, Patna in connection with Phulwari Sharif P.S. Case No. 365 of 2021.

(Satyavrat Verma, J)

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