

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58197 of 2021

Arising Out of PS. Case No.-314 Year-2021 Thana- KHAGARIA District- Khagaria

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GULSHAN KUMAR @ RAJU KUMAR, Son of Mukesh Singh @ Mukesh Prasad Singh Resident of Village- Naulagarh, P.S.- Bhagwanpur, District- Begusarai. At present Rahimpur Tinkhutti, P.S.- Khagaria Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kapil Deo Singh, Advocate

For the Opposite Party/s : Mr.Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-05-2022 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. Kapil Deo Singh learned counsel for the petitioner and Mr. Raj Kishore Singh, learned APP for the State.

 The petitioner seeks regular bail, who is in custody in connection with Khagaria Muffasil P.S. Case No. 314 of 2021, G.R. No. 1190 of 2021 for the offences punishable under Sections 366 (A) of the Indian Penal Code.

 As per the prosecution case, it is alleged that the daughter of the informant aged about 15 years became traceless on 09.04.2021. On search, the informant came to know that the petitioner enticed and abducted his daughter for the purpose of marriage.

 Learned counsel for the petitioner submits that though it is a case of love affair and both the persons, victim as well as this petitioner, with mutual consent left the house and went to



Delhi, thereafter, they realised their mistake and returned to their village on 19.04.2021. Thereafter, the statement of the victim has also been recorded under Section 164 Cr.P.C. before the learned Magistrate and she stated that though the petitioner has taken her to Delhi but he has not committed any overt act rather she categorically stated that in the entire incidence there is complicity of one Durgesh Kumar. However, later on when the co-accused persons came to know that the police is handling the matter the said Durgesh Kumar allow the victim as well as this petitioner to go from Delhi to Patna. It is further submitted that this petitioner has a clean antecedent and he is in custody since 20.04.2021 and further, there is no allegation of any misbehave with the victim girl and moreover, the investigation has already completed and the charge-sheet has already been submitted in the matter.

Learned APP for the State opposes the bail application and submits that the victim is only aged about 15 years and this petitioner has taken her to Delhi for the purpose of marriage as such he does not deserve the privilege of bail.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the victim has not alleged any act of misbehave against this petitioner and they voluntarily left their house and returned to their home and further there is no other independent witnesses to support the prosecution case and there is no allegation of any tampering with the evidence and this petitioner is in custody since 20.04.2021 having clean antecedent, let the petitioner, named above, 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 CJM, Khagaria in



connection with Khagaria Muffasil P.S. Case No. 314 of 2021,
with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond shall be cancelled by the Court below.

(b) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Harish Kumar, J)

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