

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58195 of 2021

Arising Out of PS. Case No.-175 Year-2021 Thana- BIDUPUR District- Vaishali

Sudeep Kumar Ray, Son of Late Daroga Ray, R/O Village- Kutubpur Dargah,
P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 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 learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bidupur P.S. Case No. 175 of 2021 for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code.

As per the prosecution case, the father of the victim gave a written report before the police on 02.04.2021 and it is alleged that his daughter is found missing and he suspects that this petitioner has taken away his daughter for the purpose of marriage.



It is submitted on behalf of the learned counsel for the petitioner that during the course of investigation, the girl was recovered and her statement has been recorded under Section 164 of the Cr.P.C., a copy of which is annexed as Annexure-2 to this petition. The victim, in her statement recorded under Section 164 of the Cr.P.C. categorically stated that she voluntarily left her house with this petitioner and thereafter she solemnized marriage with the petitioner. The victim next stated that she is in love with the boy (petitioner) and wanted to live with him. She did not make any complaint against this petitioner. It is further submitted that the age of the victim has been assessed by the Court as 16 years, but she herself stated her age to be 17 years and, moreover, it is a case of love affairs and this petitioner has got clean antecedent and is in custody for about one year i.e. since 08.04.2021. Further the investigation has already been concluded and charge-sheet has also been submitted in this case.

On the other hand, learned APP for the State submits that the victim is a minor, as per the age assessed by the court below.

Having considered the submissions made on behalf of the parties and taking into consideration the statement of the



victim as recorded under Section 164 of the Cr.P.C. wherein she stated that she voluntarily left with the petitioner and no complaint whatsoever has been made against the petitioner of any enticement or forceful abduction, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 175 of 2021 subject to the condition that one of the bailors will be the close relatives 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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