

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60757 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- CHIKSAUR District- Nalanda

NAWLEDGE KUMAR Son of Shiv Kumar Mochi Resident of Village -
Pitambarpur, P.s.- Ghoshi (Okari O.P.), Distt.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Prasad Sinha

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 27-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chiksaura P.S. Case No. 60 of 2021 registered for the alleged offences under Sections 366(A) of the Indian Penal Code.

The prosecution case is that daughter of the informant aged about 18 years left her home on 18.06.2021 and did not return till the date of lodging of this report. The informant raised her apprehension that some unknown persons by enticed away her daughter for the purpose of marriage. The name of the



petitioner surfaced during the investigation as the person who took away the daughter of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The missing girl was killed by informant's family members. They assaulted this petitioner as well as the daughter of the informant leading to her death and petitioner was seriously injured. The police intervened and this petitioner was rescued and one Tarun Kumr was apprehended. For the said occurrence Chiksaura P.S. Case No. 62 of 2021 was registered under Sections 307, 302, 120B, 201 and 34 of the Indian Penal Code and Sections 3(i), (r), (s), 3(2), (r) of SC/ST (Prevention of Atrocities) Act. Since the daughter of informant is no more, the prosecution case may not proceed any further. Moreover, it is apparent from the FIR that the daughter of the informant was aged about 18 years and she left her house on her own. So there could not be forcible taking away or enticement of the daughter of the informant by this petitioner. Chiksaura P.S. Case No. 62 of 2021 has been lodged against three accused persons of the informant's family. Charge sheet has been submitted in this case and the petitioner is in custody since 03.07.2021.

Learned counsel for the Informant and learned APP



for the State opposes the prayer for bail of the petitioner. Learned counsel for the informant submits that the victim was not major and she was aged below 18 years. So there could not be any consent by her.

Perused the records.

Having regard to the submissions made hereinabove and particularly on behalf of the petitioner and considering the fact that the victim girl left her house on her own and considering the submission of charge sheet and period of custody of this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Hilsa, Nalanda in connection with Chiksaura P.S. Case No. 60 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of



the terms of the bail, the bail bond of
the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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