

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66541 of 2021

Arising Out of PS. Case No.-1017 Year-2020 Thana- BANKA District- Banka

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Bittu Kumar, S/o Prakash Raut, R/o village- Louni, P.S.- Barahat, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-09-2022 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 Banka (Barahat) P.S. Case No. 1017 of 2020 registered for the alleged offences under Sections 366(A) and 494 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant went missing and she was not to be found despite search. The informant came to know that the petitioner took away his daughter with intention to marry her. The petitioner was stated to be already a married person.

The learned counsel for the petitioner submits that no



occurrence as alleged has ever taken place. The petitioner has been falsely implicated in this case. For an occurrence of 05.12.2020, the FIR has been registered only on 17.12.2020 and there is no explanation for inordinate delay of 12 days. The petitioner was though married earlier but his wife left him and the petitioner and the daughter of the informant fell in love with each other and she fled away from her house on her own and the petitioner did not took her away forcibly. After recovery of the girl, her statement was recorded under Section 164 Cr.P.C. and she did not state that she was forced to any illicit intercourse. Moreover, from the medical report, it is also clear that no spermatozoa was found. The age of the victim was assessed to be below 18 years. The petitioner is in custody since 17.12.2020 and charge-sheet has already been submitted.

Learned APP opposes the prayer for bail submitting that the victim has specifically named the petitioner in paragraph 20 of the case diary wherein her statement under Section 164 Cr.P.C. was recorded. The learned APP further submits that the petitioner took away informant's minor girl and he forcibly wanted to solemnize marriage with her.

Perused the records.

Having regard to the submissions made on behalf of the parties and considering the statement of the victim girl from which



there does not appear to be any coercion on the part of the petitioner and the victim girl is stated to be aged about 18 years and further considering no sexual assault as it appears from the medical report along with period of the custody and the submission of charge-sheet against him, 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 Chief Judicial Magistrate, Banka in connection with Banka (Barahat) P.S. Case No. 1017 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Mukesh Raut, brother of the petitioner, who has sworn the affidavit in this case.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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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