

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67094 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- CHIKSAUR District- Nalanda

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Ravikant Kumar @ Shrikant, S/o Lallu Paswan Resident of Villag - Tandpr,
P.S. - Chiksaura, Distt. - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar, Advocate
		Mr. Arvind Parasad Singh, Advocate
For the Opposite Party/s :		Mr.Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-09-2022 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 Chiksaura P.S. Case No. 40 of 2021 registered for the alleged offences under Sections 366(A) and 34 of the Indian Penal Code.

As per prosecution case, the petitioner along with other co-accused persons, under a conspiracy to grab the landed property of the informant, kidnapped the minor daughter of the informant. The informant showed her apprehension that the



petitioner may solemnize marriage with the daughter of the informant for grabbing the property of the informant.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. There is no eye witness to the whole occurrence. The victim is a girl of age 18 years and she is not minor. According to her matriculation certificate date of her birth is 08.03.2003 and the occurrence took place on 10.04.2021. So, the real age of the victim girl was 18 years 29 days on the date of occurrence. There is a love affair between the petitioner and daughter of the informant and they wanted to solemnize marriage but the family members of the informant do not want to perform marriage of the victim girl with the petitioner because the petitioner belongs to Scheduled Castes category whereas the victim girl belongs to Backward Class. The petitioner and the daughter of the informant went to Raipur and solemnized marriage. The petitioner and the daughter of the informant also swore an affidavit before the Notary Public, Jehanabad. In her statement recorded under Section 164 Cr.P.C, the petitioner stated her age to be more than 18 years. Charge sheet has been submitted in this case and the petitioner is in custody since 17.04.2021.

Learned APP for the State opposes the prayer for bail



of the petitioner submitting that in her statement under Section 164 Cr.P.C., this petitioner has been named by the victim. The petitioner and other co-accused took away the victim girl after making her unconscious. Learned APP further submits that witnesses in paragraph 3, 4 and 7 of the case diary have supported the prosecution case.

Perused the records.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact about the age of the victim girl who appears to be a major on the date of occurrence and likelihood that the victim girl has herself left her house with the petitioner and considering his clean antecedent along with period of custody of the petitioner and submission of charge sheet, 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. 40 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 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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