

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70322 of 2021

Arising Out of PS. Case No.-656 Year-2021 Thana- BANKA District- Banka

Md. Asgar, Son of Md. Latif, Resident of village - Navtoliya Kenuatikar, P.S.-
Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Banka P.S. Case No. 656 of 2021 registered for
the alleged offences under Section 366(A) of the Indian Penal
Code.

As per prosecution case, the petitioner enticed away
the minor daughter of the informant with an intention to marry
her. They also took away Rs. 50,000 which was kept by the
informant for marriage of her daughter.

Learned counsel for the petitioner submits that the
statement of the victim girl was recorded under Section 164



Cr.P.C. wherein her age was assessed to be 17 years by the learned Judicial Magistrate and in her statement, the victim girl has stated that she was in love with the petitioner and she willingly went away with him to Tata to the house of her aunt and she wanted to marry the petitioner. Learned counsel further submits that the victim girl also refused to undergo medical examination. However, her age was determined on the basis of X-ray and she was found to be above 18 years of age. Learned counsel further submits that petitioner is also aged about 20 years and he is in custody since 14.08.2021. Charge sheet has been submitted.

Learned A.P.P. opposes the submission made on behalf of the petitioner. He submits that the victim girl was minor when she was taken away by the petitioner.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the victim is stated to be more than 17 years of age and she willingly went away with the petitioner as stated by her in her statement under 164 Cr.P.C. and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 P.S. Case No. 656 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)

V.K.Pandey/-

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