

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72046 of 2021**

Arising Out of PS. Case No.-150 Year-2021 Thana- BHAGWANPUR District- Begusarai

Kanhaiya Kumar Son of Rambalak Chaudhari Resident of Village - Ataruua,
Police Station - Bhagwanpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 12-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bhagwanpur P.S. Case No. 150 of 2021 registered under Section
366(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 21.07.2021, is a person with clean
antecedent, charge-sheet has been submitted in the case and the
informant alleges that petitioner enticed her minor daughter
aged about 16 years and eloped with her on 20.07.2021.
Learned counsel submits that from perusal of the allegation as
alleged in the F.I.R. it would manifest that the victim and the
petitioner were in love and they eloped but a false case came to
be instituted on the ground that the victim is minor.



Learned counsel further submits that the victim came back and her statement under Section 164 Cr.P.C. was recorded wherein she supported the prosecution case but has not alleged about any sexual exploitation. Learned counsel submits that from perusal of the statement of the victim under Section 164 Cr.P.C. it would manifest that the same was made under parental pressure for else in the F.I.R. it would have been alleged that the petitioner enticed and the victim eloped with him. It is further submitted that the parties realizing their mistake has also compromised the case as it would be evident from Annexure '2'.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 21.07.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and the matter has been compromised, let the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhagwanpur P.S. Case No. 150 of 2021.



The petitioner shall be released only if the compromise filed in the learned court below is without any coercion for which the learned court below shall call the informant and if the informant submits that the compromise is genuine then the petitioner shall be released forthwith.

(Satyavrat Verma, J)

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