

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2115 of 2023

Arising Out of PS. Case No.-174 Year-2022 Thana- NAANPUR District- Sitamarhi

Raman Kumar, Son of Late Ramchandrarai, R/v- Awadiya, P.S.- Rajpur,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Nivedita Nirvikar, Sr. Advocate Mr. Arya Achint, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Ms. Nivedita Nirvikar, learned senior counsel
duly assisted by Mr. Arya Achint, learned counsel appearing on
behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Nanpur P.S. Case No. 174 of 2022 registered
for the offences punishable under Sections 363, 366 (A) and 34
of the Indian Penal Code.

The prosecution case is based on the written report of
the informant, alleging therein, that the minor sister of the
informant, aged about 17 years, went for tuition but she did not
return, however, having gathered some information on mobile,
the informant went to the petitioner's house, where the family
members of the petitioner assured that the victim would be



returned after 3-4 days. Later on, when the informant went to the house of the petitioner, he was beaten and threatened with dire consequences.

Submissions has been made on behalf of the petitioner that from the FIR it is evident that the occurrence took place on 09.04.2022, however, the present FIR has been instituted on 06.05.2022, after a delay of 27 days, but no explanation has been given for the same. Learned senior counsel drawn the attention of this Court towards the impugned order passed by the learned Special Court, wherein, he has taken note of the statement of the victim recorded under Section 164 Cr.P.C., wherein, it has categorically observed that the victim has not supported the prosecution case and has stated that she voluntarily gone to her maternal uncle's house, however, the statement has been found false for the reason that the victim was recovered from the house of the petitioner. So far the age of the victim is concerned, the learned senior counsel categorically averred in paragraph 9 that the victim is a major and she was subjected to medical examination, where her age was assessed in between 18-20 years. She next submitted that even from the FIR and the statement of the victim it appears that there is neither any inducement nor any force used by the petitioner and,



as such, no case is made out under Section 363 and 366 (A) of the Indian Penal Code. She lastly submits that the petitioner, having fair antecedent, is in custody since 24.05.2022 and now the investigation is complete and charge-sheet has already been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that from the impugned order, it appears that the petitioner was a minor and she was discovered from the house of the petitioner, thus the complicity of the petitioner cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the observation made in the impugned order suggesting that the victim had not supported the prosecution case, apart from the fact that the victim is a major, coupled with the period of custody of the petitioner and his fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge – VI, Sitamarhi in connection with Nanpur P.S. Case No. 174 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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