

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22259 of 2023

Arising Out of PS. Case No.-65 Year-2022 Thana- DANDARI District- Begusarai

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Aakash Kumar @ Shivam S/O Shivajeet Singh R/o village and P.S.- Dandari,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Dandari P.S. Case No. 65 of 2022 registered on 17.07.2022 for the alleged offences under Section 366A of the Indian Penal Code.

3. As per prosecution case, the informant alleged that the petitioner and his father enticed away her minor daughter with intention to sell her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. For an occurrence dated 01.07.2022 the FIR has been



instituted on 17.07.2022 and the informant has not disclosed any satisfactory reason in lodging the FIR with such inordinate delay. The informant has disclosed the age of her daughter as 17 years but the medical board has assessed her age to be between 18-20 years. The statement of the victim girl was recorded under Section 161 of Cr.P.C. wherein she stated that she went to Delhi by train with the petitioner and they solemnized marriage in a temple and started living there and she has further stated that no one has kidnapped her. The victim girl has refused to undergo any kind of internal or physical examination by the medical board and no opinion about any sexual assault was given by the medical board. But the medical board assessed the age of the victim on the basis of radiological and dental findings to be between 18-20 years. Learned counsel further submits that the statement of the victim girl was also recorded under Section 164 of Cr.P.C. wherein she stated that she wants to stay with her husband and she also stated about her love affairs with the petitioner. Learned counsel further submits that the victim girl is major and under the aforesaid circumstances, no case under Section 366A IPC is made out against the petitioner. The petitioner is in custody since 18.10.2022 and charge sheet has been submitted. The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for bail



submitting that the informant has stated the age of the victim girl to be 17 years and she was minor on the alleged date of occurrence.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the age of the victim girl was assessed by the medical board in between 18-20 years and in her statement under Section 164 of Cr.P.C. she absolved the petitioner from any wrongdoing and further considering the 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 bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Begusarai/concerned court in connection with Dandari P.S. Case No. 65 of 2022, 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



bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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