

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21264 of 2023**

Arising Out of PS. Case No.-124 Year-2019 Thana- HASPURA District- Aurangabad

Neeraj Kumar @ Niraj Kumar S/O Gobind Singh Resident Of Village-
Bangali Bigha, P.S.- Haspura, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

03. In the present case, the petitioner seeks bail in
connection with Haspura P.S. Case No. 124 of 2019 registered
on 23.09.2019 for the alleged offences under Sections 366(A) of
the Indian Penal Code.

04. As per prosecution case, the minor daughter of the
informant went missing and allegation against the petitioner is
that he enticed her away with intention to marry her.

05. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. The present case has been lodged after a delay of four



months, for which, there is no reasonable explanation. Learned counsel further submits that no occurrence as alleged has ever taken place and the informant, only with an intention to harass and humiliate the petitioner, has lodged the present case after concocting a story of kidnapping. The daughter of the informant was in love with the petitioner and she went out with him out of her own sweet will on 30.03.2018, for which, Haspura P.S. Case No. 74 of 2018 was lodged by the present informant against the petitioner. The statement of the victim girl was recorded under Section 164 of the Cr.P.C. wherein she stated that she went with the petitioner out of her own will. Learned counsel further submits that the daughter of the informant again went with the petitioner and solemnized marriage with him and they have started living as husband and wife for about three years at Delhi where the petitioner was doing a private job. In the present case also, the daughter of the informant was produced before the learned Magistrate and her statement under Section 164 Cr.P.C. was recorded where she disclosed her age to be 20 years and she also disclosed the fact about leaving her house and going to Delhi with the petitioner and solemnizing marriage in *Arya Samaj Mandir*. She has also stated about threat from her brother, father and uncles and showed her willingness to go with her



father-in-law and she has been staying in her matrimonial home. The petitioner is in custody since 17.01.2023 and charge-sheet has been submitted.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and considering the submission made on behalf of the petitioner regarding consensual act of the daughter of the informant and further considering the victim's age of majority and period of custody of the petitioner along with 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 Additional Sessions Judge-cum-special Judge (POCSO), Aurangabad in connection with Haspura P.S. Case No. 124 of 2019 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be the victim (daughter of the informant).
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for 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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