

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23043 of 2023

Arising Out of PS. Case No.-1460 Year-2022 Thana- PHULWARISHARIF District- Patna

Sahil Kumar S/o Ramji Chaudhary at present R/o Millat Colony, Sector No. 3, P.S. Fulwari Sharif, District-Patna, parental address R/o Babkkarpur, P.S.- Danapur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 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 Phulawari Sharif P.S. Case No. 1460 of 2022
registered on 26.11.2022 for the alleged offences under Sections
366(A)/34 of the Indian Penal Code.

04. As per prosecution case, the daughter of the
informant was enticed away by the petitioner with the help of
other co-accused persons.

05. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. The daughter of the informant was in love with the petitioner and both went to Delhi and this was a voluntary act on part of the informant's daughter. The victim girl has returned and she was examined by the police, wherein she stated this fact that she went with the petitioner on her own and she was not sexually assaulted. Learned counsel further submits that the daughter of the informant is not minor and she has attained majority. The victim girl was not examined by the doctor nor her statement was recorded under Section 164 of the Cr.P.C., as it appears from the rejection order of the learned Additional Sessions Judge. The petitioner is a student of intermediate and he is aged about 19 years. The petitioner is in custody since 04.11.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail submitting that the victim girl was a minor and her consent is immaterial and she was taken out from her lawful guardianship.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary act of the victim and the doubt over her age and also considering the age of this petitioner and his period of custody



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 Chief Judicial Magistrate-XIV, Patna in connection with Phulwari Sharif P.S. Case No. 1460 of 2022 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 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 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)

Ashish/-

U		T	
---	--	---	--

