

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22503 of 2023**

Arising Out of PS. Case No.-59 Year-2021 Thana- KHAJAULI District- Madhubani

Avinash Kumar Son of Umesh Sah Resident of village-Kasma, Marar, P.S.-
Khajauli, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP.

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 22-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Khajauli P.S. Case No. 59 of 2021 dated 02.04.2021
registered for the offences punishable under Sections
366(A), 504 and 323/34 of the Indian Penal Code.

3. The main submissions advanced by learned
counsel for the petitioner are that the so-called victim has
been recovered and she has been examined by the Doctor
concerned who opined her age as 19 years and accordingly
the said victim is a major girl and she has recorded her
statement under Section 164 of Cr.P.C., in which she denied
the allegations of the FIR and stated before the Judicial



Magistrate that she solemnized marriage with this petitioner and one child has born from their conjugal relationship and she also accepted her love affair with this petitioner. Further submissions are that in the present time, the said victim is residing in petitioner's house and the petitioner has fair and clean antecedent and has been languishing in jail since 15.01.2023 and against him, the investigation has been completed. Further submissions are that the FIR was lodged three days after the commission of the alleged occurrence of kidnapping and the petitioner is a young person.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the petitioner's young age, his custody period and completion of the investigation against him and also the victim's statement recorded by her before the Judicial Magistrate as stated above which goes against the allegations levelled against this petitioner, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties



of the like amount each to the satisfaction of the Court
concerned in connection with Khajauli P.S. Case No. 59 of
2021.

(Shailendra Singh, J)

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