

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25007 of 2023

Arising Out of PS. Case No.-181 Year-2022 Thana- JALALGARH District- Purnia

1. Dilip Ram @ Dilip Kumar Ram, Son Of Raghubir Ram Resident Of Village Itahari, Panchayat- Rupauli, Uttar Ward No. 10, Ps- Jankinagar, Distt- Purnea
2. Durgesh Ram, Son Of Musai Ram Resident Of Village- Purav Ramdaili, Ps- Jalalgarh, Distt- Purnea

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar
For the Opposite Party/s	:	Mr. Akshay Lal Pandit Mr. Manish Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-07-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 363, 366(A)/ 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 24.09.2022 at about 10.00 P.M., his minor daughter had gone to the bamboo plantation for attending the call of nature, but she did not return. It is next alleged that when informant along with other family members started searching her, one Khaitun Nisha informed the informant that



petitioners and Rukmani Devi took away the victim by an auto. Accordingly, the informant reached the house of petitioner no.1 where Raghuvir Ram and his wife abused and told him that his daughter would be killed.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that the victim and the petitioner no.1 were in love, but then, there was age difference, which was being objected by the family members of the victim, but both eloped. It is further submitted that the informant was aware of the relationship, as such, the F.I.R. came to be instituted after a delay of nearly 11 days as the date of occurrence is 24.09.2022 and the F.I.R. was instituted on 02.10.2022. It is further submitted that victim came back and her statement was recorded under Section 164 of the Cr.P.C. wherein she had disclosed her age as 21 years and has stated that she has solemnized marriage with petitioner no.1 and intends to go with him. The learned counsel thus submits that the victim has not supported the case of the prosecution and has disclosed her age as 21 years.

5. Learned A.P.P. along with learned counsel for the informant opposes the bail application. The learned counsel for the informant does not dispute the submission made by the



learned counsel for the petitioners to the extent that the victim did not support the case of the prosecution, but then, submits that the complainant on 24.04.2023 instituted a Complaint Case being Complaint No.09 of 2023 and subsequently, out of the complaint, an F.I.R. was instituted being Jalalgarh P. S. Case No.119 of 2023, which is under investigation wherein the victim has alleged that under pressure, she was made to give and sign the statement recorded under Section 164 of the Cr.P.C. It is next alleged that after she accompanied the petitioners, she was forced into prostitution.

6. The learned counsel for the petitioners rebuts the submission of the learned counsel for the informant and submits that the petitioners are seeking anticipatory bail in the present case in which the victim has not supported the case of the prosecution and Jalalgarh P. S. Case No.119 of 2023 shall be investigated and in the event, if the allegation against the petitioners are found true, then the petitioners will suffer the consequences.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail



on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Jalalgarh P. S. Case No.181 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. The appearance of petitioners and the informant are dispensed with.

(Satyavrat Verma, J)

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