

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29566 of 2023

Arising Out of PS. Case No.-159 Year-2022 Thana- DESARI District- Vaishali

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Karmjeet Kumar @ Kamljeet Kumar Son Of Dinesh Ray Resident Of Village
Rampur Khairi Pohiari , Ps- Desri (sahdei Op) District Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 16-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Deshri (Sahdei-O.P.) P. S. Case No. 159 of 2022,

registered for the offences punishable under Sections 363,

365 and 34 of the Indian Penal Code.

3. At the outset, Ld. Counsel for the petitioner

submits that this is the second petition on behalf of the

petitioner. Similar petition, bearing Cr. Misc. No. 52184 of

2022, has been rejected by this Court *vide* order dated

07.11.2022.

4. The prosecution case as emerges from the



F.I.R. is that the accused-petitioner along with other co-accused had kidnapped the alleged victim, Lakshmi Kumari, minor wife of one Sudhakar Kumar. As per the statement of the alleged victim recorded under Section 164 Cr.P.C., the alleged victim was kidnapped by the accused-petitioner, Karmjeet Kumar from Rampur Kheri and taken to Hajipur, where she was kept for 10-15 days with proper care, but thereafter, she was beaten by the accused-petitioner and when she was located by her mother, she was taken to her home.

5. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that till date trial has not proceeded and even charge has not been framed, let alone examination of any prosecution witness. He further submits that the alleged victim is major and there was no abduction at all. In fact, with her own sweet will, she had gone with the accused-petitioner. To fortify his submission, he refers to the statement of the alleged victim as recorded under Section 164 Cr.P.C., where she has stated, amongst



other things, that accused-petitioner has married her in a temple. She has further stated in response to the question “where she wants to go?” as put by Ld. Magistrate, that she wants to go either to her parents or to the accused-petitioner, Karmjeet Kumar, but she does not want to go to her *Sasural*. He further submits that it clearly shows that there was no force involved in the alleged abduction and in fact there is no abduction at all. This is a case of consensual relationship and eloping of the alleged victim with the accused-petitioner.

6. However, the learned APP for the State has opposed the prayer for bail.

7. Considering the aforesaid facts and circumstances and the statement of the victim as recorded under Section 164 Cr.P.C., the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IX, Vaishali at Hajipur, in connection with Deshri (Sahdei-O.P.) P. S. Case No. 159 of 2022, on the following



conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioner.

8. The application stands allowed accordingly.

9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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