

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27791 of 2023

Arising Out of PS. Case No.-66 Year-2022 Thana- NTPC KHAIRA District- Aurangabad

Rohit Kumar Pandey @ Rohit Pandey @ Rohit Kumar Son of Alakhadev Pandey @ Alakhadev Panday Resident of village - Gaharpur, Mahmanna, P.S. - Tekari, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari, Advocate

For the Opposite Party/s : .Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-07-2023 Heard the parties.

2. The petitioner seeks pre-arrest bail in connection with N.T.P.C.Khaira P.S.Case No.66/2022, registered for the offences punishable under Section 366A of the Indian Penal Code.

3. Prosecution story, in brief, is that on 10.09.2022 at about 2.30 P.M., the daughter of the informant left her house on the plea that she is going to purchase medicine for ear pain but she did not return and on search, it was found out that the petitioner allured and kidnapped her for the purpose of marriage.

4. The learned counsel appearing on behalf of the petitioner submits that the victim girl eloped with the petitioner



and thereafter they performed marriage in a temple at Jehanabad. Statement of the victim girl was recorded under Section 164 Cr.P.C., in which she has stated that she is living along with her husband, who is the petitioner and the entire family members of the petitioner are happy. The victim girl is major and the offence, as alleged, is not sustainable.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the submissions made on behalf of both the parties, materials available on the record and the statement of the victim girl recorded under Section 164 Cr.P.C., in which she has stated that she is living with the petitioner and the family members of the petitioner are happy after the performance of marriage with the petitioner. I am of the opinion that the petitioner *prima facie* made out a case to be released on pre-arrest bail.

7. The learned court below is directed to verify the age of the victim girl and if the record reveals that she is major, the petitioner is directed to be released on on pre-arrest bail in connection with N.T.P.C. Khaira P.S.Case No.66/2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. With the above observation/direction, the



anticipatory bail application is disposed of.

(Purnendu Singh, J)

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