

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32711 of 2023**

Arising Out of PS. Case No.-205 Year-2021 Thana- KAUWAKOL District- Nawada

1. Bhola Rai S/O- Bal Govind Rai Village- Sekhodeora Ps- Kawakole Dist- Nawada
2. Girani Rai S/O- Karmani Rai Village- Bijho Ps- Kawakole, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      07-07-2023                      Heard learned counsel appearing on behalf of the  
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioners seek bail in connection with Kawakole  
P.S. Case No. 205 of 2021 registered for the offence under  
Sections 366-A/34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and  
are in custody since 04.01.2023.

The allegation against the petitioners is to kidnap the  
minor daughter of the informant, aged about 16 years, for the  
purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioners



submitted that implication of petitioners with present case is only for the reason that his love affairs with the victim was not accepted by her parents for only reason that he belongs to different caste. It is submitted that as per statement of victim, as recorded under Section 164 of the Cr.P.C., it appears that she refused to solemnized marriage with this petitioner as he belongs to different caste. It is also submitted that statement of victim, as recorded under Section 164 of the Cr.P.C., is negating the allegation of sexual assault. While concluding the argument, it has been submitted that both petitioners found involved in one more criminal case with same informant, where they are on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of sexual assault is not available against these petitioners as per statement of victim recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 04.01.2023, accordingly both the petitioners, above named, are directed to be released on bail in connection with



Kawakole P.S. Case No. 205 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Nawada/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

pooja/-

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