

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36038 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- ROH District- Nawada

AMAR KUMAR SINGH S/o- RAJ KUMAR SINGH Village- Ghorahi Ps-
Roh Dist- Nawada Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Fakhruddin Ali Ahmad, Advocate
For the State	:	Mr. Akshay Lal Pandit, APP
For the Informant	:	Mr. Rajeev Nayan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-09-2023

Heard the parties.

2. The petitioner is an accused in connection with Roh P.S. Case No. 18 of 2023 registered for the offences under sections 363 and 366(A) of the Indian Penal Code lodged on 15.01.2023 by the informant, Krishna Chauhan.

3. As per the prosecution story, the informant alleged that around mid-night, the grand daughter was found missing and later came to knowledge that this petitioner has taken her away. Accordingly, the FIR.

4. In this case, a case diary was called for by a co-ordinate bench on 24.06.2023, which has since been received.

5. Learned Counsel for the petitioner has taken this Court to paragraph nos. 20 and 21 to show that the boy and girl themselves returned to the police station after knowledge of the



FIR on 22.02.2023. Further, in paragraph 21, the girl narrated before the police that on 14.01.2023, she went with the petitioner to Chennai, remained there for a month and thereafter returned to their native place and came directly to the police station. The same kind of statement has been made by the petitioner before the police.

6. However, subsequently, under section 164 of the Cr. P.C., the allegation of the girl is that she was blackmailed on the basis of video by the petitioner which led her to moving along with him and alleged that in Chennai, she was also raped.

7. Learned Counsel for the petitioner submits that the inconsistent statement of the victim girl before the police and before the Court clearly shows that she was under pressure from her family members and thus she changed her statement. He further took this Court to the Medical Report of Bhagwan Mahavir Institute of Medical Sciences, Pawapuri, Nalanda to show that Medical Board did not found any recent sexual assault.

8. He further submits that the Medical Board has opined her age to be between 16 to 18 years which means that she was mature enough to take decisions.

9. Learned Counsel for the informant, on the other



hand, submits that the Medical Report clearly shows that she was minor and her statement under section 164 of the Cr.P.C. also put allegation against this petitioner.

10. Learned APP submits that though the girl has changed track under section 164 of the Cr.P.C., her earlier statement shows that she was willing partner in moving to Chennai along with the petitioner.

11. Taking into account the submissions put forward by the parties as also the fact that the petitioner is a young boy of 20 years, has remained in custody since 22.02.2023 (as stated in paragraph 10 of the bail application), is a student, do not have criminal antecedent, charge sheet stands submitted, will have to face the trial and undertakes not to have any connection either with a girl and/or her family members, this Court deems it fit and proper to extend him privilege of bail.

12. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned J.M. 1st Class, Nawada in connection with Roh P.S. Case No. 18 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

13. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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