

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35015 of 2023

Arising Out of PS. Case No.-318 Year-2022 Thana- BALIYA District- Begusarai

Bishal Kumar, Son of Sanjeet Das @ Sanjeev Kumar Das, Resident of
Village- Pipra Devas (Hajipur), Ward No. 05, PS- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Ballia P.S. Case No. 318 of 2022, registered for the alleged offences under Sections 366(A), 120(B) and 34 of the Indian Penal Code.

3. As per prosecution case, informant gave a written report before the police about petitioner and 3-4 unknown miscreants and other named co-accused persons that under a conspiracy they kidnapped his minor daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is a case of love affair between the petitioner and the victim and they have solemnized marriage. The statement of the



victim girl was recorded under Section 161 as well as under Section 164 Cr. P.C. wherein she has stated that she solemnized marriage with the petitioner. She herself appeared before the police when she came to know about the case lodged by her father against the petitioner and his family members and her age assessed to be 18 years. She also stated that she wanted to go to the house of the petitioner. The other co-accused persons have already enlarged on anticipatory bail by the learned court below. Learned counsel further submits that the occurrence is stated to have taken place on 10.11.2022 but the FIR was lodged on 15.11.2022 and the delay has not been explained. The petitioner is in custody since 21.01.2023 and charge sheet has been submitted.

5. Learned A.P.P. opposes the prayer for bail submitting that from the rejection order it appears that the victim girl was minor and her consent is immaterial.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of any offence under POCSO Act or for sexual assault and further considering the age of the victim and her willful and consensual act in eloping with the petitioner and also considering the period of custody of the



petitioner along with submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/ court concerned, in connection with Ballia P.S. Case No. 318 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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