

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35451 of 2023

Arising Out of PS. Case No.-323 Year-2021 Thana- BALIYA District- Begusarai

Kanhaiya Kumar @ Kanhaiya Tanti Son Of Rajesh Kumar Tanti Residents Of
Village- Sadanandpur Balachak, Ward No 11, P S- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Prakash, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd. (APP)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2023 Heard Mr. Gaurav Prakash, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Ballia P.S. Case No. 323 of 2021, registered for the
offences punishable under Sections 363/366(A) readh with
section 34 of the Indian Penal Code.

3. It is alleged that the daughter of the informant who
was aged about 17 years had gone to school but did not return. It
is further alleged that the informant came to know that the
petitioner along with other persons abducted his daughter for the
purposes of marriage.

4. Learned counsel appearing on behalf of the
petitioner submits that from the narration of the FIR, it appears



that the occurrence took place on 23.09.2021, but surprisingly the FIR has been instituted on 01.10.2021. He further submits that during the course of investigation, the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she voluntarily left her house and had gone to Delhi and solemnized marriage with the petitioner. He has further drawn the attention of this Court to the medical report as contained in Annexure-2 showing the age of the victim as 19 years. He next submits that only because the learned Magistrate has assessed the age of the victim to be 17 years, the prayer for pre-arrest bail has been turned down. He lastly submits that the petitioner is a man of fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 Cr.P.C. and the medical report suggesting her to be major, coupled with the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 323 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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