

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39225 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- MEDNI CHAUKI District- Lakhisarai

NITISH KUMAR Son of Prakash Ram Resident of Village - Bhandar, P.S.-
Chanan, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Medni Chauki P.S. Case No. 41 of 2022 for the offence registered under Sections 366A and 34 of the Indian Penal Code.

The case of the prosecution, in brief, is that while the daughter of the informant was alone in the house on 01.04.2022, the petitioner had arrived at the house of the informant and had enticed the daughter of the informant and taken her away to Delhi, whereafter it appears that the petitioner had solemnized marriage with the victim girl.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 22.04.2022. The learned counsel for the petitioner has further submitted that a bare perusal of the statement made by the victim girl under Section 164 Cr.PC will show that the victim girl had voluntarily eloped with the petitioner and had gone to Delhi, where she had solemnized marriage with him, hence the petitioner had not forcibly kidnapped the victim girl.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, this Court finds that the age of the girl is 16 years,



hence, though I do not deem it fit and proper to admit the petitioner to the privilege of bail, at the moment, however, I deem it fit and proper to direct for release of the petitioner on bail immediately upon framing of charge by the learned trial court subject to such conditions as may be deemed fit and proper to be imposed by the learned Court of Additional Chief Judicial Magistrate-I, Lakhisarai in connection with Medni Chauki P.S. Case No. 41/2022.

The petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

S.Sb/Saurav

U		T	
---	--	---	--

