

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46721 of 2023

Arising Out of PS. Case No.-207 Year-2022 Thana- NAYAGAON District- Saran

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Gulshan Kumar Bhagat @ Gulshan Kumar Chaurasiya @ Gulshan Kumar,
Male, aged about 22 years, Son Of Umesh Bhagat, resident Of Village-
Rasulpur, P.S- Nayagaon, District Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Nawnit Kumar Tiwary, learned counsel
appearing on behalf of the petitioner and Mr. Sanjay Kumar
Sharma, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Nayagaon P.S. Case No. 207 of 2022 registered for the
offence punishable under Sections 366(A)/34 of the Indian
Penal Code.

3. As per the allegation made in the FIR, the minor
daughter of the informant was kidnapped by the petitioner and
his family members.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner and the daughter of the
informant have solemnized marriage and the statement of the
victim girl has been recorded under Section 164 Cr.P.C. in
which she has stated that she has married with the petitioner and



both of them are leading a happy married life. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR as well as the fact that daughter of the informant has stated in her statement under Section 164 Cr.P.C. that she is major and has solemnized marriage with the petitioner on her own will. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Nayagaon P.S. Case No. 207 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Niraj/Nilmani

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