

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50430 of 2023

Arising Out of PS. Case No.-267 Year-2023 Thana- AMARPUR District- Banka

Himanshu Jha @ Raja Jha Son Of Late Fanindra Nath Jha R/O-Baniyachak,
P.S.-AMARPUR, Distt.-BANKA

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-09-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 363, 366(A) and 34 of the Indian Penal Code.

The prosecution case, in brief, is that on 17.04.2023 the petitioner with the help of other accused persons kidnapped the minor daughter of the informant for the purpose of marriage.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The victim girl has been recovered and her statement was recorded under Section



164 of the Cr.P.C. which is annexed with the case diary, wherein she has stated her age as 13 years and supported the prosecution case that petitioner has forcibly taken away her to Ratanganj and put vermilion on her head in a temple but she has not stated about any sexual assault and physical abuse against the petitioner. It is also submitted that as per medical report of the victim girl, her age is above 18 years. In fact, there was love affair between the petitioner and victim. Both of them eloped and solemnized marriage and when the victim returned, she gave a tutored statement under pressure. It is further submitted that the petitioner has got no criminal antecedent and he is languishing in judicial custody since 16.05.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Amarpur P.S. Case No. 267 of 2023 on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like
amount each to the satisfaction of learned Chief Judicial
Magistrate, Banka.

(Sunil Kumar Panwar, J)

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