

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55939 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- BAKHTIYARPUR District- Patna

Ajay Kumar, S/O Jamahir Ray @ Jawahar Ray, R/O Village- Naya Tola
Raghopur, P.S- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 08-11-2023 Heard Mr. Suraj Kumar, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Bakhtiyarpur P.S. Case No. 53 of 2023, registered for the
offences punishable under Sections 363, 366(A) and 34 of the
Indian Penal Code.

3. The allegation against the petitioner is of enticing
away the daughter of the informant for the purpose of marriage.

4. It is submitted on behalf of the petitioner that in
fact, both the petitioner and the victim was in love affair and the
victim voluntarily left her house and subsequently they
solemnized the marriage at Baba Alakhnath Swargik Vikas
Samiti, Barh, Patna on 03.02.2023, a certificate in this regard



has been brought on record by way of Annexure-2. Further submission has been made that soon after the marriage, the victim appeared before the learned Court below, and her statement was recorded under Section 164 of the Code of Criminal Procedure, wherein she has categorically stated that she voluntarily left her house and solemnized marriage with the petitioner and she wanted to go with the petitioner. That apart, the victim was also examined by the Board of doctors and her age has been assessed more than 18 years. He further drew the attention of this Court to the photocopy of the Aadhar Card of the victim, where her date of birth has been mentioned as 14.12.04 and on the strength of the aforesaid documents he submits that the victim is a major girl and on her own volition, solemnized the marriage with the petitioner.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application, and after referring to some of the paragraphs of the case diary, submits that the age of the victim is still doubted by the prosecution and in fact, she is a minor girl and thus, the consent of the victim has no meaning in the eyes of law.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim



recorded under Section 164 of the Code of Criminal Procedure and her medical report showing her age more than 18 years, coupled with the fair antecedent of the petitioner and the delay in lodging of the F.I.R., let the petitioner above named 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 Court of Additional Chief Judicial Magistrate-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 53 of 2023, 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)

supratim/-

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

