

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55228 of 2023

Arising Out of PS. Case No.-378 Year-2019 Thana- GOGRI District- Khagaria

Sunny Kumar, S/O Late Niranjana Yadav, R/O Village- Shishwa, P.S- Gogari,
Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Manoj Kumar Jha, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Gogari P.S. Case No. 378 of 2019 registered for the offences punishable under Sections 363, 366(A), 504 and 506 of the Indian Penal Code.

3. Allegedly the minor daughter of the informant was taken away by the petitioner in order to solemnize marriage, which resulted into lodging of the present F.I.R.

4. Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that the alleged occurrence took place on 06.11.2019, but the same has been instituted on 08.11.2019. He next submits that in fact it is a



case of love affair between the victim girl and the petitioner and soon after lodging of the F.I.R., the victim herself appeared before the police and thereafter her statement was recorded under Section 164 of the Cr.P.C., wherein she stated that she voluntarily left her house and solemnized marriage with the petitioner. The victim was also examined by the Medical Board where her age was assessed between 16-18 years and considering to be major, she was handed over to the mother of the petitioner and at present she is residing in the house of the petitioner.

5. Learned counsel for the petitioner, at last also, submits that the delay has occurred in approaching this Court only on account of the fact that the police during the course of investigation has not sent up the petitioner for trial, however, differing with the final report, the learned court below has taken cognizance, which necessitated filing of the present case. He fairly submits that the this fact could not be brought on record because of inadvertence.

6. On the other hand, learned APP for the State opposes the bail application and submits that on the alleged date of occurrence, the victim is a minor and, as such, her consent has no sanction under the law.



7. 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 Cr.P.C., her age assessed by the Medical Board as well as the fact that the victim has been handed over to the mother of the petitioner, coupled with the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria in connection with Gogari P.S. Case No. 378 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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