

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57073 of 2023

Arising Out of PS. Case No.-48 Year-2022 Thana- DELHA District- Gaya

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1. Sonu Pandey @ Sonu Kumar S/O Late Madan Mohan Mishra R/O Village- Sanjay Nagar, Near Kusth Hospital, P.S- Delha, Distt.- Gaya.
 2. Tara Devi W/O Late Madan Mohan Mishra R/O Village- Sanjay Nagar, Near Kusth Hospital, P.S- Delha, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Md. Javed Jafar Khan, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Delha P.S. Case No. 48 of 2022 registered for the offences punishable under Sections 366A and 120B of the Indian Penal Code.

3. Allegedly on 19.02.2022, when the daughter of the informant had gone to the market and did not return home, the informant and other family members started searching her but could not trace her. However, later on, they came to know that she has been kidnapped and taken away by the petitioners and other family members for the purposes of marriage.



4. Learned counsel for the petitioners submits that the petitioner no.2 happens to be mother of the petitioner no.1 and, in fact, it is petitioner no.1 against whom there is allegation that he enticed away the daughter of the informant, for which the present FIR has been instituted. He further submits that, in fact, the petitioner no.1 and the victim were in love and they voluntarily tied the knot and as the family members of the victim was not happy with the marriage, the present FIR has been instituted. He further drew the attention of the Court to the statement of the victim recorded under Section 164 CrPC, wherein she categorically stated that she left her house on her own sweet-will and thereafter called the petitioner no.1 and, on her persuasion, the petitioner no.2 solemnized the marriage and now the duo have blessed with a baby-boy. He also submits that the age of the victim has been assessed as 18 years by the learned court of Judicial Magistrate 1st Class, Gaya.

5. On the other hand, learned counsel for the State opposes the bail application and submits that from the FIR, it is evident that the victim is a minor girl aged about 17 years.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no ingredients constituting any offence under Section 366A of the



I.P.C. in view of the statement of the victim recorded under Section 164 CrPC, coupled with the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO-cum-Addtional District and Sessions Judge-VI, Gaya in connection with Delha P.S. Case No. 48 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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