

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57312 of 2023**

Arising Out of PS. Case No.-4 Year-2023 Thana- BHAGWANPUR District- Begusarai

Suman Kumar S/o Ram Gulam Ram R/o Sakin Bashi, P.S. Bhagwanpur, Distt Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                     |
|----------------------------|---|-------------------------------------|
| For the Petitioner/s       | : | Mr.Dr. Ajay Shankar Rajoo, Advocate |
|                            |   | Mr.Ravi Shankar, Advocate           |
| For the Opposite Party/s : |   | Mr.Nand Kumar, APP                  |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      30-08-2023                      Heard learned counsel for the parties.

2. The petitioner seeks pre-arrest bail in connection with Bhagwanpur P.S.Case No.04/23, registered for the offences punishable under Sections 341, 343, 363, 366A, 504 and 506/34 of the Indian Penal Code.

3. Prosecution story, in brief, is that on 04.01.2023, the petitioner and another co-accused persons entered into the house of the informant and on the gun point, they took away his minor sister in a four wheeler vehicle. Thereafter, when the informant and his other family members went to search the victim girl, the co-accused persons abused and chased them away with Pistol.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has made specific statement in paragraph no.5 of the bail application that the petitioner and the victim girl were in love relationship. The victim girl is major and she on her own free-will has solemnized marriage with the petitioner. The medical report corroborates the age of the victim girl between 17-19 years.

5. Learned APP, in absence of statement recorded under Section 164 Cr.P.C. and the fact as to whether the victim girl has willingly married with the petitioner is required to be ascertained, has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions of the parties and the petitioner has made specific statement in paragraph no.5 of the bail application that the victim girl has solemnized marriage with the petitioner and to that effect, she has recorded her statement under Section 164 Cr.P.C., the petitioner and the victim girl are not living together due to interference of the informant's side, the learned court below is directed to call for the statement of the victim girl recorded under Section 164 Cr.P.C. and if it is found that the victim girl has made statement that she has solemnized marriage with the petitioner on her own free-will as well as the fact that she has



attained the age of majority, the petitioner is directed to be released on bail in connection with Bhagwanpur P.S.Case No.04/2023 on such terms and conditions as laid down under Section 438(2) of the Cr.P.C.

**(Purnendu Singh, J)**

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