

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61840 of 2022

Arising Out of PS. Case No.-220 Year-2022 Thana- KATRA District- Muzaffarpur

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Pramod Sahni @ Goliya, aged about 24 yrs, male, S/o- Late Ram Babu Sahni
R/o Village - Katra, P.S.- Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Adv.
For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State of Bihar.

The petitioner seeks bail in connection with Katra PS
Case No. 220 of 2022 dated 12-06-2022 registered for the offence
punishable under Sections 363,366(A), 120(B), 506/34 of the Indian
Penal Code.

Informant's daughter aged about 17 years had gone to
college. When she did not return it is alleged that the petitioner along
with his family members has kidnapped the informant's daughter
with intention of solemnizing her marriage.

Learned counsel for the petitioner submits that from
perusal of the order dated 01-08-2022, passed by the learned
Additional District and Sessions Judge 16th, Muzaffarpur, rejecting
the petitioner's prayer for bail, it is manifest that the victim has stated
her age in her statement recorded under Section 164 of the Code of
Criminal Procedure (*for brevity Cr. P.C.*) to be 17 years old and
claimed to have left her house on her own sweet will. Subsequently,
she has also solemnized marriage with the petitioner. The other
School documents of the petitioner, however, lead to an assessment



of the age which is at variance. In fact, the victim is a major. The petitioner having no antecedents has become victim of the circumstances and false implication by the parents of the victim, who are not agreeable to the petitioner's marriage with the victim.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the statement of the victim recorded under Section 164 Cr. P.C., as noted in the order dated 01-08-2022, and other submissions, including the clean antecedent of the petitioner as also custody since 14-06-2022, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur (East), in connection with Katra PS Case No. 220 of 2022 dated 12-06-2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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