

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58036 of 2022

Arising Out of PS. Case No.-137 Year-2021 Thana- BARHIYA District- Lakhisarai

Rohit Kumar, Son of Sanjay Rajak, Resident of Village - Bodhnagar, P.S.-
Barahiya, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Barahiya P.S. Case No. 137 of 2021 registered for the alleged offences under Section 366(A) of the Indian Penal Code.

As per prosecution case, the daughter of the informant went missing and informant named the petitioner along with other co-accused persons, who took away his daughter with intention of marriage.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has not committed any offence. The FIR has been registered after delay of nine days, for which there is no



explanation. The daughter of the informant is major and she eloped with the petitioner as there was love affair between them. They have solemnized marriage and started living as husband and wife. An application has been filed on behalf of the victim girl stating the aforesaid facts. Learned counsel further submits that the victim girl was medically examined in the year 2021 and her age was assessed to be 18 to 19 years and statement of the victim girl was also recorded under Section 164 of Cr.P.C. wherein she has not supported the prosecution case. The petitioner is in custody since 05.09.2022 charge sheet has already been submitted. Petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there appears willingness on the part of the victim girl and also considering the age of the victim girl along with her statement recorded under Section 164 Cr.P.C., wherein she has admitted that she willingly went away with the petitioner and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Lakhisarai in connection with Barahiya P.S. Case No. 137 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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