

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60476 of 2022

Arising Out of PS. Case No.-481 Year-2021 Thana- WARISLIGANJ District- Nawada

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Rajiv Saw @ Rajiv Kumar, Son of Bhagwan Saw, R/V- Bari Kabaiya, Lal
Pahari, Lakhisarai, P.S- Lakhisarai, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Vijay Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Warisaliganj P.S. Case No. 481 of 2021
registered for the offence punishable under Section 366(A) of
the Indian Penal Code.

The prosecution case is based on the written report
filed by the informant alleging therein that on 05.11.2021, at
about 5 'o' clock, his daughter, aged about 16 years, went to
coaching, but thereafter she did not return. The informant



searched his daughter, but he could not trace about her whereabouts. It is further alleged that later on he came to know that the petitioner along with other co-accused persons have taken away his daughter for the purposes of solemnizing marriage.

Learned counsel appearing on behalf of the petitioner submits that in fact both the victim girl and the petitioner had been in good relationship, which resulted into marriage and after lodging of the F.I.R., the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she voluntarily left her house, as her parents were opposing her relationship with the petitioner. The victim further stated that she voluntarily solemnized marriage with the petitioner and is residing in his house happily. She disclosed her age to be 18 years before the learned court below and not even allegation of enticement has been levelled against the petitioner. He further submitted that with regard to an occurrence, which took place on 05.11.2021, the present F.I.R. has been lodged on 04.12.2021 without giving any explanation. He lastly submits that the petitioner having fair antecedent and is in custody since 29.01.2022.

On the other hand, learned APP for the State opposes



the bail application.

Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R., as also the statement of the victim recorded under Section 164 of the Cr.P.C. wherein no allegation of any enticement has been made against the petitioner, which is necessary ingredients for constituting the offence under Section 366 (A) of the I.P.C., coupled with the period of custody, let the petitioner, named above, 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 Chief Judicial Magistrate, Nawada in connection with Warisaliganj P.S. Case No. 481 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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