

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71577 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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BALKARAN KUMAR S/o Arjun Goswami @ Arjun Giri R/o Karor,
Khanjahapur, P.S.- Cheria-Bariyarpur, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Cheria-
Bariyarpur P.S. Case No. 169 of 2022 registered for the offence
under Sections 363 and 366A of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.07.2022.

The allegation against the petitioner is to kidnap the
minor daughter of informant, aged about 14 years for the
purpose of marriage/illicit intercourse.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner was falsely implicated in this case for the reason as parents of victim girl not accepted love affairs of petitioner with their daughter. It is further submitted that after recovery, statement of victim girl was recorded u/s 164 of the Cr.P.C., where she categorically denied the factum of sexual assault. It is also submitted that as per opinion of the Medical Board Report of Sadar Hospital, Begusarai, it appears that the age of victim girl is between 18-19 years and she appears major. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation as regard to sexual assault is not appearing against this petitioner, as per statement of victim girl recorded u/s 164 of the Cr.P.C., coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Cheria-Bariyarpur P.S. Case No. 169 of 2022 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Manjhaul, Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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