

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73977 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- MAHNAR District- Vaishali

VIKASH KUMAR THAKUR S/O NIKHIL PRASAD THAKUR Resident of
Town- Nayaganj, P.S.- Desari, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
For the Informant	:	Mr. Manish Chandra Gandhi, Advocate
	:	Mr. Himanshu Ranjan, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Mahnar
P.S. Case No.236 of 2022 registered for the offence under
Sections 365 and 366 (A) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2022.

The allegation against the petitioner is to kidnap the
daughter of informant aged about 24 years alongwith other
family members/ unknown co-accused persons for the purpose
of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner
submitted that admittedly daughter of informant is of 24 years



old and as such allegation as alleged through Section 366(A) of the Indian Penal Code is not appearing convincing, where it is one of the essential element that victim must be minor. It is submitted that there is no allegation as regard to sexual assault as per statement of victim recorded u/S 164 of the Cr.P.C. It is further submitted that the daughter of informant solemnized her marriage out of her own sweet will with petitioner and the said marriage was duly registered before the office of Marriage Registration Officer-V, Ghaziabad, Uttar Pradesh. Marriage Registration Certificate is Annexure 2 of the main bail petition. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, duly assisted by learned counsel appearing on behalf of informant, while opposing the prayer for bail submitted that thrust of allegation is specific against this petitioner.

In view of the facts and circumstances as mentioned above as victim/daughter of informant is appearing major as per F.I.R., who solemnized her marriage with petitioner out of her



own sweet will coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Mahnar P.S. Case No.236 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 Chief Judicial Magistrate, Vaishali/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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