

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68399 of 2023

Arising Out of PS. Case No.-116 Year-2022 Thana- MADHWAPUR District- Madhubani

Sonu Kumar Jha, Son of Kula Nand Jha @ Mantoran Jha, Resident of Village
- Bihari, Police Station - Madhwapur, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abu Nasar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Madhwapur P.S. Case No. 116 of 2022 registered for the offences punishable under Sections 363, 366(A) read with Section 34 of the Indian Penal Code. He has got one criminal antecedent.

3. As per the prosecution story, on 15.08.2022, the daughter of the informant left her house at around 09:00 A.M. for flag hoisting but did not return, thereafter, the informant along with his relatives searched but were unable to trace her. It is alleged that the daughter of the informant was kidnapped by Sonu Kumar (this petitioner), Kula Nand Jha, Ravi Kumar Jha, Prem Kala Devi, Satish Jha and Bachchi Devi.

4. Learned counsel for the petitioner submits that as



per the school admission register of the school first attended by the victim girl, her date of birth is 16.10.2003 and on the alleged date of occurrence, the victim was major. She has made statement before police under Section 161 Cr.P.C. and has also made statement under Section 164 Cr.P.C. in which she has stated that she was in love with the accused petitioner and on the alleged date of incident, she went to Delhi with him where they married in a temple.

5. Learned counsel for the petitioner submits that it is a case in which a major girl has chosen to marry the petitioner on her own will and volition which her father did not like.

6. Learned APP for the State submits that so far as the Bihar School Examination Board certificate is concerned, the same records the date of birth of the victim as 16.10.2004, thereafter on the alleged date of occurrence, the victim was a little more than 17 years 10 months and she was falling short of 18 years by almost two months.

7. Having regard to the facts and circumstances of the case, the rival contentions as to the age of the victim girl and the statement of the victim stating that she was in love with the petitioner and has married him, at this stage, this Court directs that in case of his arrest or surrender within a period of six



weeks from today, the petitioner above named be released on bail in connection with Madhwapur P.S. Case No. 116 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Madhubani at Benipatti, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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