

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70339 of 2022

Arising Out of PS. Case No.-214 Year-2021 Thana- BALIYA District- Begusarai

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Guddu Kumar Son of Yogi Rajak Resident of Village - Parbal Tola, P.S.-
Ballia, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
		Mr. Arjun Prasad, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 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.

At the outset, learned counsel for the petitioner
submitted that in para III of the bail petition, inadvertently, case
no. has been wrongly typed as ‘P.S. Case No. 174 of 2022’
instead of ‘P.S. Case No. 171 of 2022’.

Accordingly, the same be corrected during the course
of the day itself.

The petitioner seeks bail in connection with Ballia
P.S. Case No. 214 of 2021 registered for the offence under
Sections 363, 366(A)/34 of Indian Penal Code.



The accused/petitioner is named in the F.I.R. and is in custody since 19.07.2022.

The allegation against the petitioner is to kidnap the minor daughter of the informant, aged about 17 years alongwith other co-accused persons for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that petitioner now solemnized marriage with victim and they are leading their married life happily having one child. It is further submitted that victim through her statement, as recorded u/s 164 of the Cr.P.C. neither supported the factum of kidnapping nor sexual assault in specific manner against this petitioner. Learned counsel further pointed out that subsequent to this occurrence petitioner again alleged to kidnap the minor daughter of the informant for which a case was also lodged as Ballia P.S. Case No. 171 of 2022 was registered, whereafter recovery, victim specifically submitted that she solemnized her marriage with petitioner out of her own sweet will, through her statement recorded u/s 164 of Cr.P.C. While concluding the argument, it has been submitted that 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 duly assisted by learned counsel for the



informant, Mr. Ashok Kumar, while opposing the prayer of bail fairly conceded the fact that victim solemnized marriage with petitioner out of her own sweet will.

Considering the facts and circumstances as mentioned above, and by taking note of statement of victim, as recorded u/s 164 of the Cr.P.C., denying the factum of kidnapping and sexual assault, 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 Ballia P.S. Case No. 214 of 2021 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, 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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