

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71301 of 2022

Arising Out of PS. Case No.-329 Year-2022 Thana- BHORE District- Gopalganj

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Ajay Singh Son Of Ashok Singh R/O Village- Bantariya Jagdish, P.S.-
Bhorey, District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Indrajeet Bhushan, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar, APP
For the Informant/s	:	Mr. Sanjay Kumar Pandey No. 5, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-07-2023 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 Bhorey

P.S. Case No. 329 of 2022 registered for the offence under

Sections 366-A/34 of the Indian Penal Code (in short 'I.P.C.').

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

custody since 11.10.2022.

The allegation against the petitioner is to kidnap the



minor daughter of the informant, aged about 16 years, alongwith other co-accused persons/family members, for the purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner submitted that as love affairs of petitioner with victim not approved by the family members of the informant, being member of different caste, the present false implication was raised. It is submitted that it is apparent from the statement of victim,` as recorded under Section 164 of the Cr.P.C., that she was in love affairs with petitioner prior to three years of the occurrence. It also appears from the statement that victim out of her own sweet will solemnized marriage with this petitioner on 08.08.2022 and obtained a certificate bearing no. 2022140098981 of said effect. It is submitted that even the statement of victim suggesting that the implication is only for the reason that she came to know after the marriage that petitioner not belongs to her caste. While travelling over the argument learned counsel appearing on behalf of the petitioner submitted that as per the medical report of the victim, she was found between the age of 18-19 years and there is nothing which may suggest that rape was committed upon her save and except the pregnancy of victim, which is out of consensual



physical relation. It is also submitted that even the charge has not been framed in this case as of now, suggesting conclusion of trial a remote aspect. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been 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, Mr. Sanjay Kumar Pandey No. 5 appearing on behalf of the informant, while opposing the prayer of bail, submitted that victim was minor at the time of occurrence and her consent is of no legal bearing.

Considering the facts and circumstances as mentioned above, as implication of petitioner appears due to different caste, where victim appears to solemnized marriage with petitioner out of her own sweet will, as per her statement recorded under Section 164 of the Cr.P.C., coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.10.2022, accordingly, the above named petitioner is directed to be released on bail after framing of charge in connection with Bhorey P.S. Case No. 329 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, Gopalganj/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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