

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74379 of 2022**

Arising Out of PS. Case No.-315 Year-2022 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Pankaj Kumar @ Pankaj Kumar Sah, Son Of Late Yogendra Sah Resident Of
Village- Khairiya, P.O.- Ayodhyaganj Bazar, P.S.- Kursela, District- Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Veena Devi, Wife Of Shiva Kumar Swarnkar Resident Of Village-
Channadih, Bhagwan Chowk, P.S.- Town, District- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pravin Chandra Prasad- Advocate
For the State	:	Mr. Shantanu Kumar- A.P.P.
For the Complainant	:	Mr. Sanjeev Kumar Singh Ms. Neha Rani

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 11-07-2023 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
366(A) and 120B of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the complainant
alleges that on 31.01.2022, her minor daughter aged about 17
years had gone to purchase vegetables, but she did not come and
during search, she came to know that accused persons including
the petitioner in conspiracy kidnapped her.



The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that though it is alleged that victim was a minor, but she is a major. It is further submitted that even presuming what has been alleged is true without admitting, then the victim at the time of occurrence was aged about 17 years and thus, had reached the age of discretion. It is further submitted that the petitioner and victim were in love and the victim on her own volition fled and thereafter, married the petitioner and they are living happily and have been blessed with a child also.

The learned counsel for the complainant as well as learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Complaint Case No.315 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.



However, it is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify from the victim as to whether she has married the petitioner or not as it has been submitted by the learned counsel for the petitioner that at the time of furnishing bail bonds, the victim shall remain physically present before the learned trial Court and in the event, if the victim does not support the case of the prosecution, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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