

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76704 of 2023

Arising Out of PS. Case No.-67 Year-2015 Thana- NATHNAGAR District- Bhagalpur

Vicky Raj @ Vicky Raj Das, aged about 30 years (Male), S/O Pappoo Das,
R/O Village- Govindpur, P.S- Nathnagar (Madhusudanpur), Distt.- Bhagalpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Nathnagar (Mudhusudanpur) PS Case No.67 of 2015 dated
15.04.2015, instituted under Sections 366-A of the Indian Penal
Code.

3. The allegation against the petitioner is that he
kidnapped the daughter of the informant, namely, Sabri Kumari
after inducing her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. In fact, on the alleged date of occurrence the victim was
scolded by her parents due to that she left her house without
giving any information to the parents. After two years of the



alleged occurrence the victim and the petitioner met in Kolkata where the petitioner was doing private job. After acquainting with each other they decided to marry and accordingly on 13.04.2017 they solemnized marriage in Kali Mandir, Kolkata and started leading conjugal life. At the time of performing marriage, both were major and now, they are leading happy conjugal life. The victim girl has been blessed with two male child out of the wedlock. It is further submitted that in the first week of December, 2022, the victim girl came to know that her father has lodged the present case against her husband and then she came to her maternal home. She along with her father and father-in-law went to the police station and got her statement recorded on 10.12.2022 before the Magistrate under Section 164 Cr.P.C. It is further submitted that in the statement recorded under Section 164 Cr.P.C. she admits that she left her home alone. She also disclosed that presently she has one male child aged about 5 ½ years out of the wedlock and she wants to go with her father-in-law to her *Sasural*. Learned counsel further submits that since the victim girl had voluntarily left her house and solemnized marriage with the petitioner on 13.04.2017 after attaining majority, Section 366-A of the Indian Penal Code will not be applicable in the present case. It is further submitted that



a compromise petition was filed before the Sessions Judge in anticipatory bail application, wherein, she has stated that she has been accepted by her in-laws as daughter-in-law and her father has also accepted the petitioner as his son-in-law and they do not want to contest the case. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, in Nathnagar (Mudhusudanpur) PS Case No.67 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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