

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.649 of 2023

Arising Out of PS. Case No.-118 Year-2022 Thana- BELHAR District- Banka

Nitish Kumar Son Of Dilip Yadav Resident Of Village- Tetariya, Police
Station-Gangta, District Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Mr. Gulnar Begum, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-03-2023 Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Belhar P.S. Case No. 118 of 2022, registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code.

The prosecution case is based on a written report of the informant alleging therein that on 28.03.2022 the daughter of the informant left her house at 03:30 pm, however, she did not return till late evening. On search, she could not be traced out. However, later on informant came to know that the petitioner with the help of other co-accused persons kidnapped his daughter under a conspiracy.

Learned counsel appearing on behalf of the petitioner submits that in fact it is a case of love affair which resulted into



solemnization of marriage between the petitioner and the victim girl and as the parents of the victim was not ready to solemnize the marriage, she voluntarily left her house and later on solemnize marriage. Learned counsel for the petitioner drew the attention of this Court towards the statement of the victim girl recorded under Section 164 of Cr.P.C. wherein she has categorically stated that she voluntarily left her house and went to Hyderabad along with the petitioner and started residing there. Later on, in the month of June 2022 they solemnized marriage and at present she is residing with the parents of the petitioner. He further submits that the victim was also medically examined by the Medical Officer of Sadar hospital, Banka, where her age has been assessed above 18 years. He lastly submits that even as per the FIR and the statement of the victim there is no ingredient of inducement or force and as such no case is made out against the petitioner.

On the other hand learned APP for the State vehemently opposes the bail application and submitted that the date on which she was taken away by the petitioner, she was a minor and as such the offences as alleged is made out against the petitioner.

Regard being had to the submissions made on behalf



of the parties and considering the statement of the victim recorded under Section 164 of Cr.P.C. and her age assessed by the Medical Officer to be more than 18 years, coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 118 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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