

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6688 of 2024

Arising Out of PS. Case No.-846 Year-2022 Thana- ARARIA District- Araria

SUNNY ROY @ SUNNY KUMAR S/O DILIP ROY @ DILIP MANDAL
R/O MOHALLA- SHIVPURI WARD NO. 09, P.S- ARARIA, DISTT.-
ARARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate.

For the Opposite Party/s : Mr.Abhay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-02-2024 Heard Mr. Mukesh Kumar Rana, learned counsel
appearing on behalf of the petitioner and Mr. Abhay Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Araria P.S. Case No. 846 of 2022 registered for the offence
punishable under Sections 363 and 366A of the Indian Penal
Code.

3. Allegation is of kidnapping the minor daughter of
the informant on the pretext of marriage.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has
falsely been implicated in the case. The victim in her statement
recorded under Section 164 Cr.P.C. has not alleged that the



petitioner had kidnapped or abducted her. She out of her own free will went with the petitioner and solemnized marriage and now she is residing happily with her in-laws including her husband.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the F.I.R. as well as the statement of the victim recorded under Section 164 Cr.P.C. who has stated before the Court that she is now married with the petitioner and she is happily residing along with her in-laws and the petitioner had not kidnapped or abducted her as alleged in the F.I.R. Considering the age of the petitioner recorded in the statement of the victim under Section 164 Cr.P.C. to be 16 years, the District Court is directed to call for the medical report and verify as to whether the victim is minor, then in that case, till she attains the age of majority, she will remain in custody of her parents and thereafter she, as per her desire which has been recorded in the statement under Section 164 Cr.P.C., is free to live along with her in-laws and her husband who is the present petitioner. Petitioner for the said reason must not face consequences of prosecution and therefore, he is directed to be released on pre-arrest bail, in the event of his



arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Araria in connection with Araria P.S. Case No. 846 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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