

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7019 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- KONCH District- Gaya

Shushil Kumar, Son Of Subodh Paswan, Resident Of Village- Dighi, Ps-
Konch, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Konch P.S. Case No. 318 of 2023, registered for the offences under Sections 366(a)/34 of the Indian Penal Code.

3. As per prosecution case, minor daughter of the informant went missing and the informant came to know that the petitioner has enticed away her minor daughter with intention of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on concocted grounds. The FIR has been lodged after delay of two days for which there is no explanation. The daughter of



the informant is major and the birth certificate of school first attended shows her date of birth to be 08.11.2004 and the same date is mentioned in the Adhar Card. The petitioner and the daughter of the informant got married on 19.07.2023 and they have been staying as husband and wife. The statement of the victim was recorded under Section 164 Cr.P.C. in which she did not whisper a single word against the petitioner. The petitioner has got criminal antecedent of one case which has been lodged by the same informant.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission about the victim girl being major and solemnization of marriage between the petitioner and the victim girl and further considering the lack of substantive material against the petitioner to connect him with the offence as alleged and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Gaya/court concerned in connection with Konch P.S. Case No. 318 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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