

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12295 of 2024

Arising Out of PS. Case No.-704 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Randhir Kumar S/O Vinay Singh @ Vinay Kumar Singh Village- Bhangaha,
Ps. Ghorasahan (Jharokhar) Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.
For the Informant : Mr. Rajeev Ranjan, Adv.
For the State : Mr. Chaubey Jawahar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 11-03-2024 This Court vide order dated 01.03.2024, had

directed the learned APP to inform the Informant of this

Court through Superintendent of Police, East Champaran

regarding filing of the present bail application.

2. Today, learned counsel for the Informant has

appeared and has filed *Vakalatnama*, which is accepted and

is kept on record.

3. Heard learned counsel for the petitioner and

learned APP for the State as also counsel for the Informant.

4. The petitioner seeks bail in connection with

Ghorasahan (Jharokhar) P.S. Case No. 704 of 2023

instituted for the offences under Sections 363, 366-A, 504,



506 of the Indian Penal Code and Section 8 of the POCSO Act.

5. As per prosecution case, the allegation against the petitioner along with other accused persons is of enticing/kidnapping the minor grand-daughter of the Informant for the purpose of marriage.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to personal grudge and local dirty village politics. He further submits that the grand-daughter of the Informant/victim girl in her statement made under Section 164 Cr.P.C. has stated that she on her own sweet will left her home and went to Delhi and Chhatisgarh along with one Shashi Ranjan. Apart from this, statement of the victim girl under Section 161 Cr.P.C. shows that she fled away with Shashi Ranjan and his friend Randhir Kumar and she and these two persons had gone to Delhi and from where to Chhatisgarh where she solemnized marriage with Shashi Ranjan. He further points out that the said relationship was a



consensual relationship between the parties and, in this regard, he has placed reliance on the cases of the Hon'ble Supreme Court since reported in **2018 SCC Online SC 3100 (Dr. Dhruvaram Murlidhar Sonar Vs. The State of Maharashtra & Ors.)** and **(2019) 9 SCC 608 (Pramod Suryabhan Pawar Vs. The State of Maharashtra & Ors.)**. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. Learned counsel for the petitioner again points out that aforesaid Shashi Ranjan Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.02.2024 passed in Cr. Misc. No. 10616 of 2024. The petitioner is languishing in judicial custody since 13.12.2023.

7. Learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner stating that the victim girl is a minor and the consent of a minor is no consent. The allegation against the petitioner is serious and thus, he does not deserve bail of this Court.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the



case as also the petitioner having no criminal antecedent and the fact that the main allegation of enticing/kidnapping is against co-accused Shashi Ranjan with whom the victim girl has solemnized marriage, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ghorasahan (Jharokhar) P.S. Case No. 704 of 2023.

(Rudra Prakash Mishra, J)

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