

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10347 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- MAIN P.S. District- Gaya

Manish Kumar, son of Dilip Bind, Village- Alalpur Ps- Ghosi Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 10-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Men P.S. Case No. 79 of 2023 registered for the alleged offences under Sections 366(A), 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, minor daughter of the informant went missing and the allegation against the petitioner is that he and other co-accused persons took her away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Victim girl and the petitioner are related with each other and the petitioner is married to the cousin of the victim. Victim girl was recovered and her statement was recorded under Section 164 Cr.P.C., wherein she stated about her love affair



with the petitioner. In her statement recorded under Section 164 Cr.P.C. the victim girl has clearly stated that she went with the petitioner out of her own sweet will. Hence, there is no question for kidnapping her against her will. From her statement it also appears that she voluntarily went with the petitioner and she herself called the petitioner and thereafter went with him. Learned counsel further submits that the informant has stated the age of the victim girl to be 16-17 years and the girl develops sufficient maturity at this stage. Learned counsel further submits that petitioner is in custody since 22.09.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail. Learned APP submits that the victim girl is aged about 13-14 as it appears from her statement recorded under Section 164 Cr.P.C. and there is allegation against the petitioner that he established physical relationship with the victim when she went with him.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary act of the victim girl and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to 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 Chief Judicial Magistrate, Gaya/ court concerned in connection with Men P.S. Case No. 79 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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