

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14573 of 2024

Arising Out of PS. Case No.-1161 Year-2023 Thana- GAYA MUFASIL District- Gaya

Gulshan Kumar (wrongly written in the FIR as 17 years by informant), Son of
Pappu Yadav, R/o Village- Kaiya, P.S.- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 1161 of 2023, registered on 18.11.2023 for the offences under Sections 363, 366A of the Indian Penal Code.

3. As per prosecution case, the minor daughter of the informant went missing and the informant named the petitioner who enticed away her minor daughter with the intention of marriage.

4. Learned counsel for the petitioner submits that the daughter of the informant was not minor and her date of birth is 12.04.2005. The victim girl was recovered and her statement was recorded under Sections 161 and 164 Cr.P.C. wherein she has stated that she was in love with the petitioner



and went with him out of her sweet will and solemnized marriage with him. Thus, it is apparent that the petitioner has not kidnapped the daughter of the informant nor he allured her with the intention of marriage. Learned counsel further submits that the petitioner is about 21 years and his career would be ruined if he is sent to jail. The petitioner has got no criminal history.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubt over the age of the victim girl and her statement before the police as well as learned Magistrate and further 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 Chief Judicial Magistrate, Gaya/concerned court in connection with Muffasil P.S. Case No. 1161 of 2023, subject to the condition 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)

DKS/-

U		T	
---	--	---	--

