

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20826 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- SIKARPUR District- West Champaran

Anil Sah @ Anil Kumar Gond S/O Hira Sah @ Hiralal Sah R/O Village- D.K.
Shikarpur Domaha Tola, P.S- Shikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shila Devi, W/o Ramchandra Hazara, Resident of Nuniya Tola, Ward No. 7, P.S. Shikarpur, Dist. West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brij Kishor Mishra, Adv.
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary, APP
For the O.P. No.2	:	Mr. Sheo Nandan Prasad

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 15-05-2024 Heard learned counsel for the petitioner and

learned APP for the State as also learned counsel for the

O.P. No.2. Perused the case diary.

2. The petitioner seeks bail in connection with

Shikarpur P.S. Case No. 40 of 2024 instituted for the

offences under Sections 363, 366(A) of the Indian Penal

Code and Sections 8, 12 of the Protection of Children from

Sexual Offences Act.

3. The allegation against the petitioner is of

kidnapping the minor daughter of the Informant for the

purpose of solemnizing marriage.



4. 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. He further submits that there is a love affair between the petitioner and the victim girl and, as a matter of fact, the victim on her own free will came to the house of the petitioner and asked for marriage, giving threatening of committing suicide, if he will deny. The petitioner is ready to solemnize marriage in case of obtaining the age of majority of the victim if she desires for marriage without any compulsion. He further submits that in the 161 Cr.P.C. statement, the victim girl has stated that she was in love with the petitioner and she, on her own will, left her house and proceeded with the petitioner and, thereafter, solemnized marriage in a Durga Temple at Motihari and from there, she went to Jammu with the petitioner where they were residing as wife and husband. In the 164 Cr.P.C. statement, she has again stated that there was a love affair between her and the petitioner and she, on her own sweet will, left her house and solemnized marriage with the



petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 14.01.2024 and the charge-sheet after investigation has been submitted in this case.

5. On the other hand, the 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 petitioner is named accused in the F.I.R. and the allegation made against the petitioner is serious in nature as the victim girl is the minor.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the statement of the victim girl made under Section 164 Cr.P.C., let the petitioner, abovenamed, be released on bail ***after framing of charge, if not already framed***, 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 Shikarpur P.S. Case No. 40 of



2024, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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