

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32328 of 2024

Arising Out of PS. Case No.-369 Year-2023 Thana- BARAULI District- Gopalganj

Bhuwali Kumar @ Ruplal @Ruplal Kumar Son Of Daroga Sahni Residnet Of
Village Rupan Chhap P.S.- Barauli , Dsit- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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

ORAL ORDER

2 30-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Barauli P.S. Case No.
369 of 2023, instituted for the offences punishable under
Sections 366(A) and 504 of the Indian Penal Code.

3. The prosecution case, in short, is that, the petitioner
eloped away with the minor daughter of the informant with an
intention to solemnize marriage with her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. There is four days of delay in



lodging the F.I.R. The daughter of the informant has been recovered on the very next date of institution of the F.I.R. It is further submitted that the victim has stated in her statement recorded under Section 164 Cr.P.C. that she of her own sweet will without informing anybody went to Muzaffarpur from Mohammadpur. The victim has not alleged any use of force or sexual abuse against the petitioner. It has also transpired from the medical report of the victim that the victim was assessed in between 17-18 years and there was no evidence of sexual assault at the time of Examination. The petitioner is in custody since 23.01.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barauli P.S. Case No. 369 of 2023, subject to the 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.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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