

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38008 of 2024

Arising Out of PS. Case No.-433 Year-2023 Thana- SHAHKUND District- Bhagalpur

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Gaurav Kumar Son of Ramadhin Singh R/O Vill.- Kiranpur, P.S.- Bath, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Binay Kumar, Adv.
For the Opposite Party/s : Md. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Shahkund (Sajour) P.S. Case No. 433 of 2023, registered for the offences under Sections 366(A) of the Indian Penal Code.

3. As per the prosecution case, the minor daughter of the informant went missing and the informant came to know that the petitioner enticed her away with intention of solemnizing marriage.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There was love affair between the victim and the petitioner and they have solemnized marriage

against wishes of their parents and offences under Section 366(A) of the Indian Penal Code is not made out against the petitioner. The statement of the victim girl was recorded under Section 164 of the Code of Criminal Procedure, wherein she stated the same thing and has further stated that on 01.10.2023 she ran away from her house with the petitioner and went to Sitamarhi from where the police got them back after 13 days. Learned counsel further submits that the age of the victim girl was assessed by the medical board to be 17-19 years. The victim has not made any allegation to any further wrong doing by the petitioner. The petitioner is aged about 19 years, he is in custody since 14.10.2023 and he has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioner enticed away the minor girl and solemnized marriage.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and further considering the fact that the girl is stated to be between 17-19 years and at this stage girls develop sufficient maturity and also considering the period of

custody and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-3rd, Bhagalpur/concerned court, in connection with Shahkund (Sajour) P.S. Case No. 433 of 2023, subject to the condition laid down under Section 437(3) 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 below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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