

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37457 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- HATHAURI District- Samastipur

Suraj Jha Son of Ram Bharosh Jha Resident of Village- Motipur, P.S-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Hathouri P.S. Case No. 188 of 2023, registered on 13.12.2023 for the alleged offences under Sections 363 and 366/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant was kidnapped by the petitioner and other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The daughter of the informant is a major girl aged about 26 years and she eloped with the petitioner and solemnized



marriage with him on 25.10.2023. Thereafter, they went to Delhi and Haryana and started living as husband and wife and the informant girl is presently pregnant. There was no force or coercion and the victim girl went out of her sweet will with the petitioner. When the police recorded the statement of the victim girl, she stated about voluntary nature of her act and solemnization of marriage with the petitioner. However, due to pressure of her mother and police, she resiled from her stand in statement recorded under section 164 of Cr.P.C. and on questioning by the court she stated that she did not go with the petitioner voluntarily and he enticed her away. Thereafter, the victim girl gave an application before the learned trial court stating that she was forced to give such statement. Learned counsel further submits that the petitioner is in custody since 16.02.2024 and charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the victim girl has clearly stated that she did not go with the petitioner out of her sweet will rather stated that she was taken on a four wheeler by the petitioner and other co-accused persons.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the age and conduct of the victim girl, specially not raising any alarm while she was taken to Delhi and Haryana and other places for solemnization of marriage and further considering the doubtful nature of allegation against the petitioner coupled with submission of charge sheet and period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Rosera, District – Samastipur/ concerned Court in connection with Hathouri P.S. Case No. 188 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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