

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44379 of 2024

Arising Out of PS. Case No.-310 Year-2023 Thana- RAGHOPUR District- Supaul

Avinash Kumar @ Ranjit, S/O Shri Ashok Kumar @ Ashok Yadav, R/O
Village- Hulas, Ward No. 6, P.S- Raghopur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner is apprehending his arrest in connection with Raghopur P.S. Case No.310 of 2023, registered for the offences under Sections 366(A)/ 363/ 504/ 506/34 of the Indian Penal Code.

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

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution story is completely false and fabricated. The victim girl was in love with the petitioner and she eloped with him when her parents fixed her marriage with one handicapped person. The victim girl has solemnized marriage



with this petitioner. The medical board was constituted and the age of the victim girl was assessed to 18-20 years. So, she was not minor at the time of occurrence. In her statement recorded under Sections 161 and 164 Cr.P.C, she has completely absolved the petitioner from any wrong doing. The victim girl has stated that she was in love with the petitioner and herself eloped with the petitioner and subsequently solemnized marriage with him in a temple out of her sweet will and volition. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. The learned APP further submits that rejection order mentions about the School Leaving Certificate of the victim girl showing her age to be below 18 years.

6. At this stage, the learned counsel for the petitioner submits that there is no copy of the School Leaving Certificate of the victim girl in the case diary and the report of the medical board shows the age of victim girl was above 18 years.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the dispute over age of the victim girl and further considering her voluntary act and her statement under Sections 164 Cr.P.C. and also considering the clean antecedent of the petitioner and



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) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Birpur, Supaul, in connection with Raghapur P.S. Case No. 310 of 2023, subject to the conditions 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)

V.K.Pandey/-

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