

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45511 of 2024

Arising Out of PS. Case No.-424 Year-2020 Thana- RAXAUL District- East Champaran

Ajay Yadav Son of Bhikar Yadav R/O Vill.- Siswa, P.S.- Raxaul, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Raxaul (Haraiya) P.S. Case No. 424 of 2020 dated 15.11.2020 instituted for the offence punishable under Sections 363, 366A, 506/34 the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence, the petitioner eloped with the minor girl of the informant. On complain being made by the informant to the family members of the petitioner, they started abusing the informant and threatened him dire consequences and did not hand over the victim to the informant. It is alleged that they made a phone call to the informant and demanded two lakh rupees to return the victim.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the victim is a major girl and she eloped with the petitioner. Learned counsel for the petitioner submits that the Magistrate has assessed the age of the victim as 21 years and date of birth of the victim mentioned in school register is 16.03.2003 i.e. below the age of 18 years at the time of occurrence. In the statement recorded under Section 164 Cr.P.C., the victim has stated that she was in love with her husband(petitioner) and she eloped with him and solemnized marriage in temple and thereafter, on the next day, they went to Delhi. She also stated that her parents have lodged false case against her husband and in-laws. Learned counsel for the petitioner further submits that in para 82 of the case diary, it has come that the victim has been blessed with a child. Learned counsel for the petitioner further submits that the deponent of the affidavit of this bail application is Vishal Kumar, who is the son of the informant, namely, Nandu Prasad Chaurasia and brother-in-law (sala) of the petitioner. Learned counsel for the petitioner also submits that the petitioner and the victim are consented party and they solemnized marriage out of their sweet will being major and are leaving pleasant life with a cute baby. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has



opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Raxaul (Haraiya) P.S. Case No. 424 of 2020, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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