

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46445 of 2024

Arising Out of PS. Case No.-459 Year-2023 Thana- SURYAGARHA District- Lakhisarai

Sonu Kumar, Son of Girish Mahto, R/O Village- Tal Banshipur, P.S.-
Surajgrha, District- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr. Arun Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard Mr. Murari Narain Chaudhary, learned
Advocate appearing on behalf of the petitioner and the learned
APP for the State.

2. The application for grant of regular bail to the petitioner, who is in custody in connection with Surajgarha (Manikpur) P.S. Case No. 459 of 2023 registered for the offence punishable under Sections 363, 366(A) and 506/34 of the Indian Penal Code.

3. The prosecution case is based on the written report, alleging therein, that the minor daughter of the informant was kidnapped by the petitioner alongwith his family members for the purposes of marriage.

4. Learned counsel appearing on behalf of the petitioner contended that the alleged date of occurrence is



15.08.2023 but surprisingly the present FIR has been instituted after four months on 15.12.2023 and no plausible explanation for delay has been given. It is further contended that in fact both the petitioner and the girl were in love and the girl voluntarily left the parental house and solemnized marriage with the petitioner and started living with his family members. The statement of the victim was also recorded under Section 164 of the Code of Criminal Procedure which has also taken note of while rejecting the prayer for bail of the petitioner. The victim girl has categorically stated that she was not kidnapped by anyone rather she has left her parental home on her sweet will. Thus, in the aforesaid premise learned Advocate for the petitioner submitted that the victim was neither seduced nor there is any material of inducement and, as such, no case under Section 363 and 366(A) are made out.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the victim was minor on the alleged date of occurrence as per the educational certificate.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the statement of the victim recorded under Section 164



of the Code of Criminal Procedure coupled with the fair antecedent of the petitioner and the period of custody, let the petitioner, named above, 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 learned Chief Judicial Magistrate in connection with Surajgarha (Manikpur) P.S. Case No. 459 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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