

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44854 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- KHUSRUPUR District- Patna

Raj Kumar Son of Bilash Mahto @ Vilas Mahto Village- Hardas Bigha, P.O.
-Baikathpur, P.S. -Khusrupur, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Ms.Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Khusrupur P.S. Case No. 69 of 2024 instituted for the offences
under Sections 363, 366(A) of the Indian Penal Code.

3. As per prosecution case, the accusation has been
made against the accused persons including the petitioner of
kidnapping the minor daughter of the Informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
Learned counsel for the petitioner further submits that there is a
delay of almost nine days in filing the present F.I.R. that too



without any plausible explanation for such delay which creates doubts in the prosecution case. He further submits that as per certificate issued by the Utkramit High School, Hardas Bigha, the date of birth of the victim girl is 17.06.2007 whereas as per F.I.R., her date of birth is 02.04.2008 and, hence, the age of the victim as alleged in the F.I.R. is not reliable. In the statement of the victim girl made under Section 161 Cr.P.C., she herself has stated that she is 18 years of age. She has also stated that on 17.02.2024, she, on her own will, had departed from the house and she loved the petitioner. She has also stated in her statement that on 28.02.2024, she solemnized marriage at Sri Indradamneshwar Mahadeo Trust Ashok Dham, Lakhisarai and stay hidden but, on 28.03.2024, the police caught them. In the 164 Cr.P.C. statement, the victim girl has corroborated the statement made in the 161 Cr.P.C. statement. The petitioner has also filed an affidavit stating therein that the petitioner has solemnized marriage with the victim on her own desire and consent. He further submits that the victim is the wife of the petitioner and he is ready to keep her as a wife with full dignity. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 363, 366(A) of the I.P.C. Lastly, learned counsel for the petitioner submits that the age of



the victim girl is 19 years and no medical board has been constituted for ascertaining the age of the victim girl. There is also no medical report of the victim girl in this case. The petitioner has one criminal antecedent and is languishing in judicial custody since 28.03.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and taking into account the period of custody of the petitioner as also keeping the view the statements of the victim girl made under Sections 161 & 164 of the Cr.P.C. stating therein that she has solemnized marriage with the petitioner on her own sweet will, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Khusrupur P.S. Case No. 69 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the



Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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