

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47157 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- BARAHAT District- Banka

Ashok Kumar S/o- Shankar Ray Village- Chhoti Bishar Ps- Barhat Dist-
Banka, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratyush Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned counsel for the parties.

2. The petitioner seeks regular bail, who is in custody in connection with Barahat P.S. Case No. 302 of 2023 registered for the offences punishable under Sections 363, 366A, 323, 504 and 506 of the Indian Penal Code.

3. Allegedly, the petitioner has enticed away the daughter of the informant and solemnized marriage. It is further alleged that because of the aforesaid act the religious sentiments of the two community has also been aroused and there is a chance of law and order problem if she would take any action.

4. Learned advocate for the petitioner contended that the narratives of the FIR clearly suggest that the girl of the informant was found missing on 20.12.2023 but the FIR has been instituted on 23.12.2023 and the delay has not been



explained. The statement of the daughter of the informant was recorded under Section 164 Cr.P.C wherein she has categorically corroborated the statement as has stated before the police that she voluntarily left her house and solemnized marriage with the petitioner. Both the persons were in love for the last three years. The victim was also examined by the Medical Board wherein her age has been ascertained around 18 years and, as such, being a major no case is made out under Section 366A IPC. That apart there is no ingredient that the victim has ever been seduced by the petitioner. Be that as it may learned counsel for the petitioner submits that the petitioner having no criminal antecedent is in custody since 31.12.2023 and charge sheet has been submitted.

5. On the other hand, learned counsel for the State opposed the bail application and submits that as per the testimonials examined during the investigation the age of the victim is found to be below 18 years and thus, her consent has no value in the eye of law.

6. Regard being had to the submissions made on behalf of the parties and considering the averments of the petitioner that during course of medical examination the age of the girl has been ascertained as 18 years coupled with the



statement of the victim recorded under Section 164 Cr.P.C and the delay in lodging of the FIR as also the period of custody, let the petitioner above named 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 the learned Chief Judicial Magistrate, Banka in connection with Barahat P.S. Case No. 302 of 2023.

(Harish Kumar, J)

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