

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47773 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- BAIRIYA District- West Champaran

Krishna Patel @ Krishna Kumar, Son of Ashok Patel R/O Vill.- Sansariya,
P.S.- Bettiah and Dist.-West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Mohan

For the Opposite Party/s : Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 363 and 366(A) of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and has been falsely
implicated in the instant case by the informant with an
allegation that petitioner along with other accused persons
kidnapped her daughter for the purposes of marriage.

4. The learned counsel for the petitioner submits that
there is a delay of three days in instituting the F.I.R. It is next
submitted that petitioner and the victim were in love and they
fled and performed their marriage. It is next submitted that the



petitioner and the victim have performed their Court marriage as would manifest from Annexure-2 series to the anticipatory bail application. It is also submitted that birth certificate has been annexed by way of Annexure-2 series at Page-18 and from perusal of the same, it would manifest that the date of birth of the victim is 05.07.2002 and the date of occurrence is of the Year 2024 and as such, on the date of occurrence, the victim was more than 21 years.

5. It is next submitted that her statement was also recorded under Section 164 of the Cr.P.C. wherein she has not supported the case of the prosecution rather has admitted that since her parents were trying to get her married with a person whom she did not like, as such, she fled with the petitioner and performed her marriage. It is further submitted that the age of the victim in her statement recorded under Section 164 of the Cr.P.C. records as 16 years when from perusal of the birth certificate, it would manifest that she is aged about 22 years. It is also submitted that had the victim not been a major in that event, the Court marriage could not have been performed.

6. Learned A.P.P. opposes the anticipatory bail application.

7. Considering the submissions made by the learned



counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, West Champarran, Bettiah in connection with Bairiya P. S. Case No.52 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

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