

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29610 of 2024
Arising Out of PS. Case No.-28 Year-2023 Thana- AZIMABAD District- Bhojpur

Dhiraj Kumar S/o Nirmal Ram R/O VILLAGE - BADGAON, PS - AZIMABAD, DISTRICT - BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 47439 of 2024

Arising Out of PS. Case No.-28 Year-2023 Thana- AZIMABAD District- Bhojpur

Prince Kumar S/o- Santosh Ram R/O Village - Badgaon, PS - Azimabad, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 29610 of 2024)
For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP
(In CRIMINAL MISCELLANEOUS No. 47439 of 2024)
For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners apprehend their arrest in connection with Azimabad P.S. Case No. 28 of 2023 registered under Sections 366A/34 of the Indian Penal Code lodged on 11.03.2023 by the informant, Surendra Prasad Rai.

3. As per the prosecution story, the informant alleged that her daughter taken away by Prince Kumar and during search, when they went to the house of Prince Kumar, he was abused by the family members. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that a bare perusal of the order passed by the learned Sessions Judge would show that the girl has made statement under Section 164 of the Cr.P.C. stating that she went with Prince Kumar to Ahmadabad and solemnized marriage on 11.03.2023. Though, the Court assessed her age as 17 years, the victim disclosed that she is 19 ½ years old. He submits that while the Prince Kumar has married the girl, Dhiraj Kumar as being cousin, has been implicated, both do not have criminal antecedent, pursuing studies. Further one Santosh Ram has been extended relief in Cr. Misc. No. 9497 of 2024.

5. Learned APP opposes the prayer submitting that the Prince Kumar was the author of the entire episode.

6. Taking into account the aforesaid facts as also the statement of the victim girl and the age disclosed by her, both petitioners are young, students and do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the



like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhojpur, Ara in connection with Azimabad P.S. Case No. 28 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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