

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58461 of 2024**

Arising Out of PS. Case No.-254 Year-2023 Thana- LAKHNAUR District- Madhubani

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KANHAIYA KUMAR SADAI @ KANHAIYA KUMAR SADAY SON OF  
GHURAN SADAI @ GHUTAN SADAI R/O- VILLAGE- LAKHNAUR  
(WARD NO. 12), P.S.- LAKHNAUR, DISTT.- MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. PURAN MUKHIYA SON OF LATE GULLI MUKHIYA R/O- VILLAGE-  
LAKHNAUR (HAT GACHHI), P.S.- LAKHNAUR, DISTRICT -  
MADHUBANI

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate  
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      21-11-2024                      Heard learned counsel for the petitioner, the State and  
  
Mr. Bimal Kumar, learned counsel representing the informant.

2. The petitioner is in custody in connection with  
  
Lakhnaur P.S. Case No. 254 of 2023 for the offence punishable  
  
under sections 363, 366, 504 and 34 of the Indian Penal Code  
  
lodged on 28.11.2023 by the informant, Puran Mukhiya.

3. As per the prosecution story, the informant alleged  
  
that his daughter was teased by this petitioner and in the night  
  
when she had gone out to attend the nature's call, was taken  
  
away by him as also the other accused persons. The further  
  
allegation is that she has been kidnapped and may have been  
  
sexually exploited. This led to the FIR.



4. In this case, notices were issued upon the opposite parties who has since appeared as also case diary and the 164 Cr.P.C. statement are also on record.

5. Learned counsel for the petitioner submits that they were in relationship for years, the girl on her own came to his place, though the official record shows her to be a minor, she herself recorded her age as nineteen years under Section 164 of the Cr.P.C.

6. Learned counsel for the informant on the other hand submits that any statement made by the girl, being the minor, has no value in the eyes of law, the facts remains that the petitioner took away the minor daughter and as such does not deserve bail. Further, the trial is on where the girl has narrated the different version.

7. Having gone through the facts of the case put forwarded by the parties, the medical report of the girl shows that the Doctor did not find any medical evidence of sexual assault upon her and the medical Board opined her age to be between seventeen to nineteen years. Further, the 164 Cr.P.C. statement is also there where she has narrated that she went on her own as was in relationship with the petitioner, as the parents did not wanted her to marry for which, she left the house. On



25.11.2023, she was brought to her own home whereafter on 26.11.2023, she again rushed to the petitioner's home. The further statement is that the parents have threatened of killing them and the last statement is that she wants to remain with the petitioner.

8. The petitioner is 23 years of age, having no criminal antecedent, is in custody for almost one year [19.12.2023 (paragraph-4 of the petition)], the trial is on, he will be facing the result and it has been undertaken by the learned counsel for the petitioner that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.D.J. VIII-cum-Special Judge, POCSO Court, Madhubani, in connection with Lakhnaur P.S. Case No. 254 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner 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 the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

Adnan/-

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