

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53380 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- BARIYARPUR District- Munger

Bittu Kumar Son of Ramdeo Mandal @ Panjabi Village- Motichak, P.S.-
Sultanganj, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Bariyarpur P.S. Case No. 109 of 2024, registered for the offences punishable under Sections 363, 365 of the Indian Penal Code.

3. The allegation against the petitioner is of kidnapping the minor daughter of the informant with the help of other co-accused persons.

4. Learned Advocate for the petitioner contended that from the narrations made in the FIR it is evident that the alleged occurrence took place on 18.05.2024 but the FIR has been instituted on 27.05.2024 without assigning any reason for delay. It is further contended that in fact the victim girl voluntarily left her house and went along with the petitioner to Punjab and when the family members of the victim girl shown their



willingness that they are ready to solemnise the marriage with the petitioner, the victim girl returned with the petitioner. Even in the statement recorded under Section 164 Cr.P.C. the victim has not even uttered a word against the petitioner that she was subjected to any force or kidnapping by the petitioner. Moreover, the petitioner is a man of fair antecedent and now he has been incarcerated since 28.05.2024. The investigation of the crime is complete and the charge sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and referring to the materials available in the case diary submits that the victim is a minor girl and thus even her consent has no legal sanctity in the eye of law.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim girl recorded under Section 164 Cr.P.C., coupled with the fair antecedent and the completion of the investigation, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Munger in connection with Bariyarpur P.S. Case No. 109 of 2024, subject to the condition that one of the



bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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