

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53702 of 2024

Arising Out of PS. Case No.-177 Year-2024 Thana- RAJAOLI District- Nawada

Pratap Kumar, Son of Pradip Thakur @ Pradeep Kumar Thakur, resident of
Village- Amawan, P.S- Rajauli, Dist- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bachchan Kumar Sharam, Son Of Late Rupan Thakur, resident of Village-
Amawan, PO- Bansh Gopal, PS- Rajauli, Dist- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Prasad Singh, Advocate
For the State	:	Mr.Shyam Bihari Singh, APP
For the Informant	:	Mr. Nitya nand Neeraj, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Rajauli P.S. Case No.177 of 2024, registered for the alleged offences under Sections 363 and 366(A) of the Indian Penal Code.

3. As per prosecution case, the minor daughter of the informant went missing from his house in the night when the informant and his wife were away to attend some marriage ceremony and the name of the petitioner transpired as the person who took her away.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner did not take away the daughter of the informant, who went on her own with the petitioner for the purposes of travel. The victim girl returned within a week and no medical examination was done. In the statement recorded under Section 161 Cr.P.C., the victim girl has not made any allegation against the petitioner. The learned counsel further submits that it appears to be a case of love affair between two. In the statement recorded under Section 164 Cr.P.C., the victim girl stated about enticement of the petitioner but did not say anything about any misbehaviour or any sexual act being committed with her by the petitioner. The learned counsel further submits that the petitioner is aged about 21 years and is having clean antecedent. The petitioner is in custody since 26.04.2024 and charge sheet has been submitted.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf the petitioner. The learned counsel for the informant submits that the victim girl was enticed away by this petitioner and during the trial, the informant has been examined, who supported the prosecution case.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



age of the petitioner and further considering voluntary nature of act of the victim girl and also considering the submission of charge sheet, stage of trial, the period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Nawada/court concerned, in connection with Rajauli P.S. Case No. 177 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

