

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56369 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- FORBESGANJ District- Araria

Deepak Kumar Bahardar @ Deepak Bahardar @ Deepak Kumar Son of
Ghanshyam Bahardar Resident of Village - Ghoraghat, P.S.- Gorbesganj,
District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Milan Devi W/o- Ranjeet Mandal Resident of Village - Tiraskund, Ward No.
-10, P.S. - Forbesganj, Distt.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-10-2024 Heard learned Counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in
connection with Forbesganj P.S. Case No. 106 of 2024,
registered for the alleged offences under Sections 363, 366(A),
323, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, the minor daughter of the
informant was kidnapped by the petitioner and other co-accused
persons and when the informant went to the house of the
petitioner, she was assaulted by the family members of the
petitioner.

4. Learned Counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The statement of the victim girl was recorded under Section 164 of Cr.P.C. wherein she stated that she has solemnized marriage with the petitioner out of her own sweet will and she expressed her wish to go to her matrimonial home as she was afraid of her family members. Learned Counsel further submits that while recording the statement, the learned Magistrate assessed the age of the victim girl to be 17 years whereas she herself stated her age to be 18 years. The Medical Report shows the age of the victim girl to be 18 to 20 years and it appears that she was a major at the time of occurrence. Learned Counsel further submits that moreover there is deliberation and after thought and the F.I.R. has been lodged after delay of nine days without any proper explanation. Petitioner is in custody since 08.04.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent and is aged about 22 years.

5. The learned A.P.P. as well as learned Counsel for the informant opposes the submission made on behalf of the petitioner.

6. Learned Counsel for the informant submits that the victim girl is aged about 16 years and she is minor and her



consent is immaterial, her hymen was also found ruptured and this shows sexual intercourse has taken place.

7. Having regard to the facts and circumstances and submissions made hereinabove and considering the age of the victim girl assessed by the Medical Board and further considering the fact that at this stage, the girl attains sufficient maturity and further considering the statement of the victim girl recorded under Section 164 of the Cr.P.C. absolving the petitioner from wrong doing and also the clean antecedent of the petitioner as well as period of custody and submission of charge-sheet, he 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 Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case No. 106 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.

(Arun Kumar Jha, J)

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