

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 55403 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- DIGHWARA District- Saran

Niraj Kumar @ Niraj Paswan @ Niraj Kumar Manjhi Son of Lal Mohan
Paswan R/V- Village- Sitalpur Bazar , Ward No. 12, P.S.- Dighwara, Distt.-
Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

02. In the present case, the petitioner seeks bail in
connection with Dighwara P.S. Case No. 128 of 2024 registered
for the alleged offences under Sections 366(A) of the Indian
Penal Code.

03. As per prosecution case, the minor daughter of the
informant was enticed away by the petitioner with intention of
marrying her.

04. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. No occurrence as alleged has ever taken place. The
statement of the victim girl was recorded under Section 164



Cr.P.C. wherein she stated that on the asking of the petitioner she went with him to *Tamilnadu* and thereafter returned. Learned counsel further submits that it shows the act of the daughter of the informant was voluntary and there is no allegation of any overt sexual act. Learned counsel further submits that the FIR has been registered after delay of three days for which there is no explanation. The petitioner is in custody since 27.05.2024 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the age of the victim girl assessed to be 17 years by the learned Judicial Magistrate, the age at which a girl develops sufficient maturity, and further considering her statement and voluntary nature of act and further considering the period of custody of the petitioner, who is aged about 19 years, his clean antecedent and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate-II, Saran at Chapra in connection with Dighwara P.S.
Case No. 128 of 2024, subject to the conditions mentioned in
Section 437(3) of the Cr.P.C. and 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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