

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58075 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- HILSA District- Nalanda

Rocky Kumar @ Banti Kumar S/o- Munna Ravidas Vill - Chandout Ps -
Hilsa, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Hilsa P.S. Case No. 227 of 2024 dated 05.04.2024, instituted for
the offence punishable under Sections 366A/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that on
03.04.2024, the daughter of the informant went to defecate but
she did not return till evening then informant started searching
her and during search he got informant that her daughter was
taken away by the petitioner on a tempo. It is further alleged
that when the informant went to the house of the petitioner then
he was abused by co-accused Munna Ravidas and Sunita Devi.
It is further alleged that during search the informant contacted



accused Mukesh Kumar but her daughter was not recovered. It is believed by the informant that petitioner along with other accused persons have kidnapped his daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that from bare perusal of the statement of victim recorded under Section 164 Cr.P.C., it is clear that she was in love affairs with the petitioner and she herself went with the petitioner and solemnized marriage in a temple. The victim stated in her statement that when she knew that her father has lodged a case in this regard then she herself returned which shows that petitioner has been falsely implicated in this case. According to the intermediate certificate, the age of the victim was 17 years 8 months 18 days at the time of occurrence which means that the victim girl was at the verge of attaining majority and a girl of conscience. It is further submitted that there is no allegation of any overt act or putting any pressure on victim to accompany the petitioner for marriage. The victim married the petitioner in a temple out of her own conscience and her free will. It is further submitted that no case under Section 366A of the IPC is made out against the petitioner. Lastly, it has been submitted that petitioner has no



criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Hilsa P.S. Case No. 227 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Hilsa (Nalanda) subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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