

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58485 of 2024

Arising Out of PS. Case No.-365 Year-2022 Thana- RIVILGANJ District- Saran

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Ajay Kumar @ Ajay Kumar Rai, S/o Late Bhulan Rai @ Jhillan Rai, R/o
Village - Mainpura Tola, P.S- Revilganj, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mili Kumari, Adv.

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Rivilganj P.S. Case No. 365 of 2022
registered for the offence punishable under Section 366A/34 of
the Indian Penal Code.

3. The allegation against the petitioner is of enticing
away the minor daughter of the informant for the purposes of
solemnizing marriage with the help of other co-accused persons.

4. Learned counsel for the petitioner drawing attention
of this Court to the written report has contended that from the
FIR, it is evident that both the petitioner and the victim girl were
in good relationship and engaged in talking each other on
phone. The alleged occurrence took place on 22.10.2022 but the
FIR has been instituted on 27.10.2022 without there being no



explanation for the delay. It is further contended that soon after the occurrence, the victim girl returned to her house and her statement was recorded under Section 164 CrPC, wherein she has stated that the petitioner had forcibly took her away on his motorcycle and kept her in a room of one of his relatives and after few days, she succeeded in fleeing away. It is next contended that even her statement recorded under Section 164 CrPC, for the sake of argument, is taken to be true, she has not made any allegation of misbehave force or assault; moreover taking away a young girl on motorcycle forcefully does not inspire confidence. Be that as it may, now the statement of the victim under Section 164 CrPC has been recorded; investigation of the crime is complete and the charge-sheet has been submitted, however, the petitioner has been incarcerated since 28.04.2024 having fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that specific allegation has been levelled against the petitioner that he forcibly took away the victim girl and kept her confined.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 CrPC, wherein she has not made



any allegation of using force and assault against the petitioner while she was kept in the house of one of the relatives of the petitioner, coupled with the delay in lodging of the FIR and the fair antecedent of the petitioner, apart from investigation being complete, let the petitioner, named above, 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 Judicial Magistrate 1st Class, Saran at Chapra in connection with Rivilganj P.S. Case No. 365 of 2022, subject to the condition that one of the bailors will be the close relatives 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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