

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60070 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- Kharagpur District- Munger

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Rahul Kumar Son of Ashok Singh Resident of village - Tilwariya, P.S.-
Haweli Kharagpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks grant of regular bail, who is in custody in connection with Kharagpur (H.Kharagpur) P.S. Case No. 167 of 2024 registered for the offence punishable under Section 366A of the Indian Penal Code.

3. The allegation against the petitioner is of kidnapping the minor daughter of the informant for the purposes of wrongful act.

4. Learned Advocate for the petitioner contended that the alleged occurrence is said to have taken place on 25.05.2024, but the FIR has been lodged on 27.05.2024 without there being any explanation. During the course of investigation, the statement of the victim was recorded under Section 164



Cr.P.C., wherein she has made categorical statement that she was in love with the petitioner and on the fateful day, she voluntarily left her house, as she wanted to solemnize marriage with the petitioner. After leaving the house, she went to the house of one of the friends of the petitioner and stayed there for three days and later on returned to her house. She has made specific statement that none of the persons have committed any wrongful act with her. Further she refused to undergo any medical examination. Adverting to the aforesaid fact, learned Advocate for the petitioner thus contended that there is neither any inducement nor use of force or allegation of causing wrongful activities. Thus, no case much less under Section 366A of the Indian Penal Code is made out. Be that as it may, the petitioner has absolutely fair antecedent and now he has been incarcerated since 29.05.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the age of the victim is shown to be 17 years and, as such, the date on which the occurrence took place she was minor. Thus, even her consent does not absolve the petitioner from the criminal liability.

6. Regard being had to the submissions made on



behalf of the parties and considering the statement of the victim recorded under Section 164 Cr.P.C., wherein, she has not made any allegation against the petitioner, coupled with the fair antecedent and the investigation being complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Kharagpur P.S. Case No. 167 of 2024, 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.)

Jyoti Kumari/-

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