

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61264 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- BIHIA District- Bhojpur

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Kishan Dhanuk @ Keshaw Dhanuk Son Of Dhanraj Dhanuk Residents Of
Village And Police Station - Shahpur, District - Bhojpur (Bihar).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

8 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bihiya P.S. Case No. 126 of 2023, registered on 16.05.2023 for the offences under Sections 341, 323, 504, 365 and 120B of the Indian Penal Code.

03. As per prosecution case, petitioner and other co-accused persons, under a conspiracy, kidnapped the minor daughter of the complainant/informant. The petitioner took signature of the husband of the informant on blank papers when the informant and her husband went to inquire from them about whereabouts of their daughter.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The case of the complaint/informant is doubtful as it was her own version that her daughter was kidnapped on 22.01.2022 and the complaint case came to be lodged on 02.03.2023, i.e., more than one month after the occurrence and there is no explanation for the same. Learned counsel further submits that the petitioner and the victim girl were having love-affair and they have solemnized marriage and the victim girl is now pregnant. All the other co-accused persons have been granted bail. Learned counsel further submits that the statement of the victim girl was recorded under Section 161 Cr.P.C. as well as under Section 164 of the Cr.P.C. and the same were under coercion of her parents. The petitioner is in custody since 02.06.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the statement of the victim girl was recorded under Section 164 of Cr.P.C. wherein she has stated that the petitioner forcibly solemnized the marriage with her and made her pregnant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



delay in lodging the complaint petition and further considering the possibility of voluntary elopement of the victim girl and also considering the period of custody of the petitioner along with submission of charge-sheet against them, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Bhojpu at Ara/concerned court in connection with Bihia P.S. Case No. 126 of 2023, 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 for 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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