

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61978 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- ATRI District- Gaya

Md. Arwaj @ Md. Arbaz Son of Md. Abbas Resident of Village - Dhusri,
P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.

2. This application, for grant of anticipatory bail arises
out of Atri (Gehlor) PS case no. 27 of 2023, registered for the
offences punishable under Sections 363 and 365 of the Indian
Penal Code.

3. As per the prosecution story, on 16.01.2023 the
minor daughter of the informant, aged about 14-15 years, had
gone for tuition classes but did not return. It has been alleged
that some unknown persons have kidnapped the minor daughter
of the informant.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has transpired



during the course of investigation. He further submits that the petitioner is having love relationship with the victim girl and she had gone with the petitioner on her free will. The victim girl was major and the doctor has assessed the age of the victim girl to be 19 years as it would be evident from Annexure-2 to this application. The petitioner solemnized marriage with the victim girl in West Bengal where the marriage of the girl was registered and one child has born out of the wedlock between the victim girl and petitioner. On 04.05.2024, the birth certificate has been issued by Sub-Registrar (Birth and Death) State General Hospital Vidyasagar, West Bengal.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that victim girl was major and she has solemnized marriage with the petitioner and a child has born out of their wedlock, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in



connection with Atri (Gehlor) Police Station Case No. 27 of
2023, subject to the condition laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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