

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62390 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Bhola Roy, S/o Harinandan Roy, R/o Village- Ramnagar, P.S.- Amhara,
District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard Mr. Pankaj Kumar Sinha, learned Advocate

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Lakhisarai Amahara P.S.
Case No. 280 of 2023 registered for the offence punishable
under Sections 363 and 366(A) 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
marriage.

4. Learned Advocate appearing on behalf of the
petitioner referring to the FIR firstly contended that with regard
to the alleged occurrence which took place on 16.04.2023, the
present FIR has been instituted on 21.04.2023, without there



being any explanation of delay. The statement of the victim was recorded under Section 161, Code of Criminal Procedure and later on Section 164, Code of Criminal Procedure, wherein, she has categorically stated that she voluntarily left her house with intent to solemnize marriage. There is no allegation that the petitioner, either seduced her or applied any force for sexual intercourse and, as such, no case much less under Section 363, 366(A) of the Indian Penal Code is made out, is the contention of the learned Advocate for the petitioner. It is further contended that during the course of investigation, the date of birth of the victim has been surfaced as 20.05.2005 and, as such, one month less than eighteen years, thus the benefit of doubt even for the purposes of determination of age of the victim shall be given in favour of the accused person. Be that as it may, now the petitioner is in custody since 14.05.2024 and the investigation of the crime is complete and the chargesheet has been submitted.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner bears two criminal antecedent and it appears that the victim has been gained over.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim



recorded under Section 164, Code of Criminal Procedure as has been discussed in the impugned order coupled with the fact that the age of the victim as has been disclosed is just less than one month to eighteen years as also the delay in lodging of the FIR, 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 in connection with Lakhisarai Amahara P.S. Case No. 280 of 2023, 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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