

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62383 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- KAUWAKOL District- Nawada

Shailendra Kumar @ Shulendra Kumar @ Sulendra Kumar S/o Ramkhelawan
Manjhi @ Bakku Manjhi R/o Village- Darawan, P.S. Kawakol, District
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar, Adv.

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 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 Kawakol P.S. Case No. 86 of 2024 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 grand-daughter of the informant with the help of other
co-accused persons.

4. Learned counsel for the petitioner, referring to the
FIR, contended that with regard to an alleged occurrence, which
took place on 01.03.2024, the present FIR has been instituted on
05.03.2024 without any explanation of the delay. It is further



contended that there is no eyewitness to the alleged occurrence that it is the petitioner who has enticed away the grand-daughter of the informant. Moreover, the statement of the victim recorded under Section 164 CrPC, wherein she has categorically stated that she has solemnized marriage with the petitioner and expressed her desire to reside with him. The FIR clearly suggests that the age of the victim to be 17 years and, as such, benefit of doubt with regard to the age of the victim shall be accorded in favour of the petitioner. It is lastly contended that there is no material suggesting that the girl had ever seduced or forced by the petitioner for illicit cohabitation. The petitioner is a man of fair antecedent and now he has been incarcerated since 08.06.2024.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the matriculation certificate of the victim clearly suggests her date of birth as 07.07.2007 and, as such, on the alleged date of occurrence, she was minor. Thus, even her consent does not appear to be legal in the eyes of law.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the informant himself disclosed the age of the victim as 17 years, coupled with



the statement of the victim recorded under Section 164 CrPC, wherein she has not made any allegation against the petitioner as has been discussed in the impugned order as also the fair antecedent of the petitioner, let the petitioner, named above, 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 J.M.F.C., Nawada/concerned Court in connection with Kawakol P.S. Case No. 86 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)

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