

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66415 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- Bypass District- Bhagalpur

Ichla Bhath @ Mubarak Bhat, Male, aged about 21 years, Son of Firoj Bhat
@ Piro Bhat, Resident of Village - Jamalpur, Police Station - Bihpur, District
- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-10-2024 Heard Mr. Bipin Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Nawal Kishore Prasad
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Bypass P.S. Case No. 45 of 2024 registered for the offences
punishable under Sections 366(A) of the Indian Penal Code.

3. As per the allegation made in the FIR, which has
been lodged by the brother of the informant that petitioner has
forcibly kidnapped his sister with an intention to marry.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner and the victim are in love
relationship and the victim had eloped with him and thereafter
they performed marriage at Bangalore. The victim is major and



being adult, she has chosen her husband and the same is not a crime.

5. Learned APP taking note of the observation made in the impugned order, submitted that date of birth of the victim as per the Aadhar Card is 01.01.2007 and apparently the victim was minor on the date of occurrence and, as such, the petitioner don't deserve to be released on bail.

6. Having considered the rival submissions made on behalf of the parties and considering the fact that the statement of the victim has been taken note of by the learned District Court that she on her own had left the home and went to Bangalore along with the petitioner and she is living along with the petitioner after performing marriage, the learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur or appropriate court below in connection with Bypass P.S. Case No. 45 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

