

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73694 of 2024

Arising Out of PS. Case No.-164 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Niraj Kumar Son of Kapildeo Ram Resident of Village - Pakridayal, P.S.-
Pakridayal, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Pakridayal P.S. Case No. 164 of 2024 for the offence punishable under sections 363 and 365 of the Indian Penal Code lodged on 27.06.2024 by the informant, Tetri Devi.

3. As per the prosecution story, the informant alleged that after taking meal as she was sleeping, this petitioner came and kidnapped her daughter. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the allegation is of 02.06.2024 but the FIR came to be lodged on 27.06.2024 i.e. after twenty five days and no reason has been assigned for such inordinate delay. Further, a perusal of the learned Sessions Judge order would show that contrary to the allegation, the learned Magistrate has assessed the age of the



victim to be eighteen years on 11.07.2024. Further, the learned Sessions Judge has also incorporated the statement of the victim girl under Section 164 Cr.P.C. to show that the girl has narrated that she has solemnized marriage with this petitioner.

5. Learned APP opposes the prayer for bail submitting that at the time of incident, she was minor.

6. Taking into account the submission put forward by the parties as also the subsequent development that has been incorporated by the learned Sessions Judge, learned Magistrate has assessed the age to be eighteen years, is in custody since 24.07.2024 (paragraph no. 12 of the petition) and do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-VIII, Motihari, East Champaran, in connection with Pakridayal P.S. Case No. 164 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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