

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82474 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- ALOULI District- Khagaria

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1. Adarsh Kumar @ Adarshe Kumar S/o- Satto Rai Resident of Village- Sanokhar PS- Alauli District- Khagaria
 2. Sujit Kumar @ Sujit Kumar Sah S/o- Suresh Sah Resident of Village- Balone PS- Bithan District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Alauli P.S. Case No. 117 of 2024, registered for the offences under Sections 363, 366 & 34 of the Indian Penal Code.

3. As per the prosecution case, petitioners and other co-accused persons kidnapped the daughter of the informant.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case and no occurrence as alleged has ever taken place. The FIR has been lodged after a delay of



two days for which there is no explanation. The deposition of the victim girl has been recorded in Sessions Case No. 425 of 2024 as Complaint Witness No. 2 and she specifically stated that she was in love with the petitioner no. 1 Adarsh Kumar and she eloped with him and they went to Delhi from where the victim was handed over to Khagaria Police by the Delhi Police. She has also stated about petitioner no. 2 that being a friend of petitioner no. 1 he helped them in Delhi as petitioner no. 1 was not having any knowledge about Delhi. Learned counsel submits that in her deposition the victim girl has also stated that her marriage was solemnized against her wishes and she does not want to go to her matrimonial home. Even in her statement recorded under Section 164 of the Code of Criminal Procedure, the victim girl has stated that she was not kidnapped. The petitioners are in custody since 06.04.2024 and charge sheet has been submitted against the petitioners. The petitioners are aged about 19 years and are having no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the voluntary nature of act of the victim girl and further considering



the age of the petitioners, their clean antecedent, period of custody and submission of charge sheet against the petitioners, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Khagaria/concerned court, in connection with Alauli P.S. Case No. 117 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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