

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85695 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- Haraiya District- East Champaran

Aryan @ Raushan Kumar Yadav Son of Arbind Yadav Resident of Village -
Kaurihar Chauk, P.S. - Raxaul, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Haraiya P.S. Case No. 09 of 2024, registered on 29.08.2024 for the offences under Sections 137(2), 92, 352, 351(2), 3(5) of B.N.S., 2023.

3. As per prosecution case, the minor daughter of the informant was kidnapped by the petitioner with intention to marrying her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The statement of the victim girl was recorded under Sections 181 and 183 of B.N.S.S., wherein she stated that she voluntarily left her home and went to the house of the maternal



uncle at Ludhiyana as her parents had been trying to fix her marriage with some other person. It has also come in the statement that she eloped with the petitioner and solemnized marriage with him and they started living as husband and wife. Learned counsel further submits that there is no allegation of any sexual assault and charge-sheet has not been submitted under POCSO Act. Petitioner is in custody since 30.08.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that consent given by minor is of no consequence.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the daughter of the informant and further considering the age of the petitioner and also considering the clean antecedent of the petitioner coupled with period of custody and submission of charge-sheet, the petitioner is 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 Sub Divisional Judicial Magistrate, Raxaul at East Champaran,



Motihari/concerned court, in connection with Haraiya P.S. Case No. 09 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 petitioner.
- (ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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