

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5934 of 2025

Arising Out of PS. Case No.-20 Year-2024 Thana- KIUL District- Lakhisarai

Shaurabh Yadav @ Saurav Kumar S/O Adhik Yadav R/O Village- Ramshir,
P.S.- Kiul, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Kiul P.S. Case No.
20 of 2024, registered for the offences punishable under
Sections 363/366(A) of the Indian Penal Code.

3. The allegation against the petitioner is to kidnap
the minor grand-daughter of the informant aged about 17
years with intention to seduce or force her to solemnize
marriage with another person.

4. Learned counsel appearing on behalf of the



petitioner submitted that the victim recorded her statement under Section 164 of the Cr.P.C., where she categorically stated that she went on her own to Surat, Gujarat with petitioner and solemnized marriage with him. It is pointed out that from said statement, allegation of kidnapping or to seduce victim as to marriage with another person not appears available and, therefore, a *prima facie* case under Section 366A of the Indian Penal Code not appears made out. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Sat Parkash Vs. State of Haryana*** reported in ***2015(16) SCC 475***. It is also submitted by learned counsel that upon radiological examination, victim appears major on the date of occurrence.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of statement of victim as recorded under Section 164 of the Cr.P.C., where she clearly negate the allegation of kidnapping against petitioner, rather stated to solemnize marriage with petitioner out of her own



sweet will, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Lakhisarai/concerned Court, where the case is pending in connection with Kiul P.S. Case No. 20 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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