

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8689 of 2025

Arising Out of PS. Case No.-280 Year-2024 Thana- MADHUBAN District- East Champaran

Suraj Kumar S/O Late Budhan Ram Resident of village - Jitaura (chaita) ,P.S
- Madhuban , District -East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Madhuban P.S. Case No. 280 of 2024 registered for the offences punishable under Sections 137(2), 96, 140(3), 352, 3(5) of BNS.

3. The allegation against petitioner is to kidnap the minor daughter of informant aged about 14 years as to force her to enter into illicit relationship/marriage with another person.

4. It is submitted by learned counsel for the petitioner that the petitioner was in love affairs with



daughter of informant and as they are from different caste their love affairs was not approved by their parents. It is submitted that out of said compulsion and in fear of honor killings, the daughter of the informant went along with petitioner and solemnized their marriage at *Arya Samaj Mandir*, New Delhi. It is pointed out by learned counsel that the daughter of informant is living happily with petitioner as wife. Explaining the age of the daughter of informant it is pointed out by learned counsel that the affidavit furnished by daughter of the informant before temple authority, where the marriage was solemnized, showing her age as more than 18 years and she herself claimed as a major. While concluding arguments, it is submitted that no *prima-facie* case appears to be made out under Section 96 of BNS., in view of the fact that allegation not appears available as to force the daughter of informant as to enter into the illicit relationship or also to solemnize marriage with another person which is the main ingredient to attract allegations *prima-facie* under



Section 96 of BNS/ 366 A of the IPC.

5. In support of his submission, learned counsel for the petitioner relied upon legal report of Hon'ble Supreme Court as available through ***Sat Parkash vs. State of Haryana*** reported in ***(2015) 16 SCC 475***. Learned counsel further submitted that petitioner is a man of clean antecedent.

6. Learned APP, while opposing the prayer of bail submitted that allegation is specific against petitioner but he could not disputed the factum of marriage and love affairs as advanced by learned counsel for the petitioner.

7. In view of aforesaid factual submission and by taking note of fact as allegation of kidnapping appears *prima-facie* not available on its face in view of the fact that victim solemnized marriage with petitioner out of love affairs, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 JM 1st Class, East Champaran, Motihari /concerned Court, where the case is pending in connection with Madhuban P.S. Case No. 280 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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