

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7221 of 2025

Arising Out of PS. Case No.-101 Year-2024 Thana- SARMERA District- Nalanda

Kartik Kumar @ Chuha Kumar S/O Shambhu Ojha @ Shambhu Jha R/O
Village and P.S- Sarmera, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sourendra Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-02-2025 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 Sarmera P.S. Case No. 101 of 2024, registered for the offences under Sections 366A, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, petitioner called out the minor daughter of the informant and thereafter, she went missing.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner did not kidnap the daughter of the informant and she left her house on her own. The statement of the victim girl was recorded under Section 183



of the B.N.S.S. wherein she has stated that she has gone out of her own free will with the petitioner and she further stated that she was in love with the petitioner and they solemnized their marriage and have been staying together. The FIR has been lodged after two days and it shows the informant has the knowledge about the love affair of the petitioner and her daughter still, she lodged a false case. The petitioner and the victim girl appeared before the police and the petitioner was apprehended. The petitioner is in custody since 21.08.2024 and he has no criminal antecedent. The statement of the victim girl before the police as well as before the Magistrate is consistent and there is no variation. There is no allegation of any sexual assault against the petitioner. Charge sheet has been submitted against the petitioner.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the victim girl is minor and her consent is immaterial.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the submission of charge sheet and period of custody of the petitioner, 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 J.M.F.C., Bihar Sharif, Nalanda/concerned court, in connection with Sarmera P.S. Case No. 101 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 court 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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