

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11228 of 2025

Arising Out of PS. Case No.-338 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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Ayush Kumar Singh, Male, aged about 25 years, Son of Rajesh Kumar Singh,
Resident of Village- Ranna, Police Station -Sadar District -Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 14-05-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Sessions Trial No. 480 of 2024 arising out of Darbhanga Sadar (Bhalpatti O.P.) P.S. Case No. 338 of 2022 instituted for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code.

3. As per the prosecution case, four named accused persons including the petitioner kidnapped the grand-daughter of the informant for the purpose of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that the present FIR is nothing but a result of the previous enmity between the family of the petitioner and the informant. He next submits that



the petitioner has been made accused only on the basis of suspicion and the allegation leveled against him is of general and omnibus reason. He lastly submits that the present case is nothing but after thought in order to implicate the petitioner in the present case. Petitioner has got one criminal antecedent as stated in para 3 of the petition is in custody since 01.05.2024.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

6. From perusal of the case diary, medical report, statement of the victim recorded under Section 164 of the Cr.P.C., FIR and impugned order of the learned Additional Sessions Judge-XI, Darbhanga dated 02.01.2025, it appears that on the basis of written report of the grand father of the victim, FIR has been lodged under Sections 363, 366(A) and 34 of the Indian Penal Code against four named accused persons including the present petitioner Ayush Kumar Singh. During investigation the victim recorded her statement under Section 161 of the Cr.P.C. in which she has stated that she voluntarily went to Delhi where she know that her grandfather has lodged the FIR, then she came to Darbhanga. Further, she has stated that she has no knowledge about the any boys named in the FIR and no person kidnapped her. This statement has been recorded



by the Investigating Officer on 16.07.2022 but after six days her statement recorded under Section 164 of the Cr.P.C. in which she has stated before the learned Magistrate that the petitioner came with 5-6 friends to her house on 13.06.2022 and threatened on the point of pistol to her mother and father and taking away the victim from her house forcefully and solemnize the marriage. So, there are many contradictory statement of the victim under Sections 161 and 164 of the Cr.P.C. Perusal of the medical report, it appears that the age of the victim is 18 to 19 years but as per Bihar School Examination Board the age of the victim is 18.06.2006, as submitted by learned counsel for the informant. After conclusion of the investigation the Investigating Officer submitted chargesheet under Sections 363 and 366 of the Indian Penal Code against the present petitioner and accordingly, cognizance has been taken by the learned Magistrate, so considering all these aspects of the matter, period of custody, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI, Darbhanga in connection with



Sessions Trial No. 480 of 2024 arising out of Darbhanga Sadar
(Bhalpatti) O.P.) P.S. Case No. 338 of 2022.

(Ramesh Chand Malviya, J)

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