

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26436 of 2025

Arising Out of PS. Case No.-397 Year-2024 Thana- PATNA CITY CHOWK District- Patna

Aman Kumar @ Aman Raj, Son of Laxaman Prasad, resident of Village
-Nargada, (Danapur), P.S -Shahpur, District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharendra Nath Jha, Advocate Mr.Ajay Kumar Jha, Advocate
For the Opposite Party/s :		Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner seeks bail in connection with Chowk P.S. Case No. 397 of 2024, registered for the alleged offence under Sections 137(2)/140(3) of BNS, 2023.

03. As per prosecution case, the minor daughter of the informant went missing and after inquiry, the informant came to know about the petitioner who kidnapped his minor daughter.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. For an occurrence of 16.07.2024, the FIR has been lodged on 17.08.2024 without any explanation for the delay. This



shows the informant was knowing that his daughter eloped with some one. Further the informant has also stated that he came to know about the petitioner taking his daughter on 16.07.2024 itself, but still he did not lodge any report. The statement of the victim girl was recorded under Sections 181 and 183 of BNSS wherein she stated that she went with the petitioner on her own. There is no allegation that the daughter of the informant was kidnapped with the intention of demanding ransom or she was ever sexually assaulted. The petitioner is college going student aged about 22 years. The petitioner is in custody since 20.09.2024 and is having clean antecedent. The charge sheet has been submitted.

05. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that the victim girl is minor as is apparent from the FIR. Further, her age was assessed by the learned Judicial Magistrate, who recorded her statement under Section 183 BNSS, to be 16 years.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the voluntary nature of act of the victim girl and her age at which a girl develops sufficient maturity and further considering the delay in lodging the FIR and also considering the submission of



charge sheet, period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna City, Patna, in connection with Chowk P.S. Case No. 397 of 2024, subject to the conditions mentioned in Section 480 (3) of BNSS and also the 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.
- (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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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