

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29077 of 2025

Arising Out of PS. Case No.-187 Year-2024 Thana- RAXAUL District- East Champaran

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Aditya Kumar Singh @ Mannu Kumar Singh, S/o Ram Chandra Singh,
Resident of village- Sabhyata Nagar, Gali, ward no. 12, P.S.- Raxaul, Distt.-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mrs. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Raxaul P.S. Case No. 187 of 2024 registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code.

3. The allegation against the petitioner is of enticing away the minor daughter of the informant along with other accused persons.

3. Learned Advocate for the petitioner taking this Court through the F.I.R. contended that admittedly the alleged occurrence took place on 12.04.2024, but surprisingly the present F.I.R. came to be lodged on 01.06.2024, after a delay of



48 days, without there being any plausible explanation for delay. Further attention of this Court has also been drawn to the impugned order and submission has been made that the age of the victim has been assessed in between 16 to 18 years by the Medical board and moreover the learned Magistrate, who recorded the statement of the victim under Section 164 of the Cr.P.C. has opined her age to be 19 years. In the statement recorded under Section 164 Cr.P.C., as has been disclosed in the impugned order, she categorically stated that she voluntarily left her home and went to Delhi alone, where she resided for 10-15 days and thereafter she called the petitioner and went to Bangalore along with him and solemnized marriage with the petitioner on her own sweet will. He further contended that when the victim came to know about the institution of the present case, she returned to Raxaul and gave her statement. She denied the allegation of enticing away or eloping with the petitioner, rather she categorically stated that it is her parents and neighbours, who wanted to kill her and the petitioner. Learned Advocate for the petitioner lastly contended that be that as it may the petitioner is a boy of tender age, aged about 20 years only, having fair antecedent, and he undertakes that he will fully cooperate in the proceeding of the court.



5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the victim is a minor, as per the educational certificate and, as such, her consent has no relevance in the case in hand.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, as also the lack of ingredients constituting the offence punishable under Section 366A of the Indian Penal Code, inasmuch, as there is no allegation against the petitioner of using any force or seduced to any illicit intercourse and enticing the victim, coupled with the statement of the victim recorded under Section 164 of the Cr.P.C., as is disclosed in the impugned order, as also having fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari in connection with Raxaul P.S. Case No. 187 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of



the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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