

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43971 of 2024

Arising Out of PS. Case No.-213 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

Chandan Mahto @ Chandan Kumar S/o- Arbind Mahto @ Chotelal Mahto
Village- Supaul Balmikinagar Ps- Biraul Dist- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Seraj S/o Late Md. Niyaz R/o Jirat (Madarsa Rahmania Road), P.S. Ghanshyampur, Dist.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saurav Anand, Adv.
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, APP
For the Informant	:	Mr. Md. Shah Nawaz Ali, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 06-02-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Ghanshyampur P.S. Case No. 213 of 2022 instituted for the

offences under Sections 363, 366A/34 of the Indian Penal

Code and later on Section 4 of the Protection of Children from

Sexual Offences Act and Section 9 of the Child Marriage

Prohibition Act.

3. As per prosecution case, the accusation against

the accused persons including the petitioner is of kidnapping



the minor victim girl for the purpose of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that the informant is the maternal uncle of the victim and, only due to religion dispute, the present case has been lodged with ulterior motive. He further submits that as a matter of fact, the informant and his family members were assaulting the victim and, due to that, she left the house of the informant and went to Delhi where she called the petitioner and requested for saving her life. There is a love-affair between the petitioner and the victim and they have also solemnized the marriage and are living together as husband and wife. Learned counsel for the petitioner further submits that the victim is major and her actual date of birth is 03.07.2001. Charge-sheet has already been submitted in this case. The petitioner has no criminal antecedent and is languishing in judicial custody since 12.02.2024 without any rhymes or reason.



5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that there is specific allegation of kidnapping the victim minor girl against the petitioner. Charge-sheet has been submitted against the petitioner. The victim girl has been recovered and she, in her statement recorded under Section 164 Cr.P.C., though has not made any allegation against the petitioner but, at the time of occurrence, the victim girl was a minor.

6. Learned counsel for the O.P. No.2 has filed counter affidavit bring on record the Aadhar Card of the victim girl showing her date of birth as 3rd July, 2008 and submits that the victim girl at the time of occurrence was minor.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Court below/concerned



Court in connection with Ghanshyampur P.S. Case No. 213
of 2022.

(Rudra Prakash Mishra, J)

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