

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45296 of 2025**

Arising Out of PS. Case No.-35 Year-2024 Thana- MADHEPUR District- Madhubani

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Suman Thakur @ Suman Kumar S/o Damodar Thakur, R/o Vill.- Banki, PS-
Madhepur, Distt.- Madhubani

.. ... Petitioner/s

Versus

1. The State of Bihar
2. Kailash Chaudhary S/o Late Jibachh Chaudhary, Vill.- Banki, PS-
Madhepur, Distt.- Madhubani

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baleshwar Kamat, Advocate
For the State	:	Mr. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Madhepur P.S. Case No. 35 of 2024 dated
31.03.2024, registered for the offences punishable under
Sections 363 and 366/34 of the Indian Penal Code.

3. As per the F.I.R., 18 years old daughter of the
informant was abducted by the accused/petitioner with the help
of his two brothers, namely, Krishna Thakur and Avinash
Thakur. When the informant went to the family of the petitioner
for protest, he was told that petitioner has married his daughter.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this



case. He further submits that the alleged victim is ultimately major being 18 years of age and as per the statement recorded under Section 164 Cr.PC, she has clearly stated that she has voluntarily left her house and married the accused/petitioner. The marriage between the complainant and the accused/petitioner is also registered. A copy of the certificate of marriage issued by Marriage Registration Office, Ghaziabad, U.P. is also filed on record.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. Learned APP for the State fairly submits that as per the facts and circumstances of the case, no offence is made out against the petitioner, because both the alleged victim and the petitioner are major and they have even get married as per their sweet will and as per the information given by the learned counsel for the petitioner, the couple is even blessed with a child and in such situation, there is no point to prosecute the petitioner. It is not a prosecution but it would be persecution.

8. Considering the aforesaid facts and circumstances,



this petition is allowed, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Madhepur P.S. Case No. 35 of 2024, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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