

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54706 of 2024

Arising Out of PS. Case No.-319 Year-2023 Thana- CHIRAIYA District- East Champaran

Ritesh Kumar @ Nitish Ray Son of Pramod Ray R/O Vill.- Champapur
Koraiya Tola, P.s.- Chiraiya, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kajal Kumari Daughter of Mukesh Ray R/O Vill.- Jaypal Tola, P.s.- Chiraiya, Dist.- East Champaran. At Present R/at Vill.- Champapur Koraiya Toal, P.s.- Chiraiya, Dist.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prateek Tandon, Advocate
For the State	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Dhananjay Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 16-01-2025 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

Chiraiya P.S. Case No. 319 of 2023 instituted for the offence

under Sections 365, 366(A) of the Indian Penal Code and

Section 8 of the POCSO Act.

3. As per the prosecution case, accused persons came

at the door of the informant and kidnapped his minor daughter

for the purpose of marriage.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 24-06-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel submits that there is delay of two days in lodging of the FIR. It is next submitted that victim girl was never kidnapped rather in her statement recorded under Sections 161 & 164 of the Cr.P.C., she has stated that she was not kidnapped and she went with the petitioner at her own volition and solemnized marriage with the petitioner. It is further submitted that victim is residing in her matrimonial house. It is submitted that medical report also does not suggests any marks of injury. Charge sheet has been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that age of the victim is between 16-17 years, as emanated in medical report. Other witnesses have also supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the



petitioner.

8. Let the petitioner 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 Chiraiya P.S. Case No. 319 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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