

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64962 of 2025

Arising Out of PS. Case No.-13 Year-2024 Thana- NIMACHANDPURA District- Begusarai

Atik Kumar S/o Sunil Mahto Resident of Village- Neema Chandpura, Ward
No. 03, P.S.- Neema Chandpura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Neema Chandpura P.S. Case No. 13 of 2024 registered for the alleged offences under Sections 366(A) of the Indian Penal Code.

03. As per prosecution case, the petitioner took away the minor maternal granddaughter of the informant and confined her to some place.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The maternal granddaughter of the informant was never kidnapped and she instituted the FIR under pressure of the society. For an occurrence of 14.02.2024, the FIR was lodged on



21.02.2024 without any satisfactory explanation for the delay. The petitioner and the victim were in love and they solemnized marriage on 15.02.2024, i.e., after a day of the alleged occurrence. After the marriage, the petitioner and the granddaughter of the informant went to Bangalore and stayed there for around 1.5 years. The victim girl herself appeared before the police and recorded her statement under Section 180 of BNSS. She categorically stated that she was in love with the petitioner and the family members of the petitioner got her married with the petitioner. Even in her statement under Section 183 of BNSS, the victim stated that her mother-in-law and brother-in-law took her on the eve of Saraswati Pooja and got her married with the petitioner and thereafter took her with them. Learned counsel further submits that it is a case of elopement and no offence is made out. The victim girl is still living with the parents of the petitioner at her matrimonial home and an application has been filed before the court of learned Judicial magistrate regarding settlement between the parties. The learned magistrate while recording the statement of the victim under Section 183 of BNSS has assessed her age to be about 18 years. The victim after attaining the age of majority eloped with the petitioner and no one is responsible for her



elopement or kidnapping. The petitioner is in custody since 01.06.2025 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the apparently consensual nature of act of the victim and doubtful nature of allegation against the petitioner and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to 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 learned Judicial Magistrate- 1st Class, Begusarai/court concerned in connection with Neema Chandpura P.S. Case No. 13 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and 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.

(Arun Kumar Jha, J)

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