

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70304 of 2024

Arising Out of PS. Case No.-131 Year-2019 Thana- DELHA District- Gaya

=====

Rahul Raj @ Rahul Kumar @ Rahul Son of Santosh Prasad Resident of
Village- Anandi Maya Ashram Bus Stand, P.S.- Rajgir, Distt.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Moni Devi W/O- Dilip Prasad, R/O- Mohalla-Atiya, P.S.-Bodhgaya , Dist-
Gaya.
3. Juhi Kumari D/O-Moni Devi, W/O-Rahul Raj @ Rahul Kumar @ Rahul
R/O-Village-Anandi Maya Ashram Bus stand ,P.S- Rajgir ,Dist-Nalanda

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Adv.
For the State : Mr. Satyendra Prasad, APP.

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 15-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 366(A) of
the Indian Penal Code.

3. The allegation in the FIR is that the petitioner had
kidnapped the minor daughter of the informant on the pretext of
marriage.

4. Learned counsel for the petitioner submits that the
allegations levelled against the petitioner is totally incorrect
and as a matter of fact, the present case is one of love affair



between the informant's daughter and the petitioner. There is inordinate and abnormal delay of three days in lodging the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. It is further submitted that the factum of love affair would be clear from the statement of the victim recorded under Section 164 Cr.P.C. wherein she has admitted that she had married the petitioner out of her own will and both are living together as husband and wife. The said fact of statement under Section 164 Cr.P.C. has been taken note of and recorded in the bail rejection order itself of the learned Court below. So far as the age of the victim is concerned, a photocopy of her Aadhar Card had been submitted in the learned Court below and according to which the date of birth of the victim was 16.02.2003 and taking the same into consideration, the victim is also a major and this is the case of consensual relationship between two adults.

5. Learned APP for the State opposes the prayer for bail

6. Considering the facts and circumstances of the case and particularly the statement of the victim, who is a major, recorded under Section 164 Cr.P.C., I am inclined to grant the privilege of anticipatory bail to the petitioner, who has no criminal



antecedent. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Gaya in connection with Delha P.S. Case No. 131 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

divyanshi/-

U		T	
---	--	---	--

