

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76817 of 2024

Arising Out of PS. Case No.-234 Year-2024 Thana- PALIGANJ District- Patna

Bacha Kushwaha S/o Sita Ram Kushwaha @ Sitaram Singh R/o vill - Deliya,
P.S. - Udwant Nagar, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Adv.

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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

ORAL ORDER

4 29-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Paliganj P.S. Case No. 234 of 2024 instituted for the
offences under Sections 365, 366(A) of the Indian Penal
Code.

3. As per prosecution case, the accusation against
the petitioner is of kidnapping the minor daughter of the
Informant as also of solemnizing marriage with her.

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. He further submits that there was a love affair between the petitioner and victim girl and the victim girl has left her house voluntarily for the purpose of marriage with the petitioner. In the statement of the victim girl recorded under Section 164 Cr.P.C., she has also stated that due to scolding by her mother, she left her house with petitioner and solemnized marriage and was residing in his home. The matter has been compromised between the parties. Nothing adverse has been stated in the F.I.R. against the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.07.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature as the victim girl is the minor and, hence, he does not deserve bail.

6. 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 and the statement of the victim girl recorded under Section 164 Cr.P.C., 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 Paliganj P.S. Case No. 234 of 2024.

(Rudra Prakash Mishra, J)

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