

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78124 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Pradeep Kumar S/O Manoj Pandit Resident of village- Dhanouri, P.S-
Surajgarha, Dist.- Lakhisarai (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Devi W/O Sanjay Yadav Resident of Gram- Dhanouri Ward No. 14,
P.S- Surajgarha, Dist.- Lakhisarai (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mr. Sumit Kumar Bubna, Advocate Mrs. Shashi Priya, Advocate
For the State	:	Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 18-04-2025 Heard Mrs. Nivedita Nirvikar, learned Senior Counsel
for the petitioner and Md. Arif, learned APP for the State.

2. The petitioner seeks regular bail in connection with
Surajgarha P.S. Case No. 41 of 2024, registered for the offences
under Sections 363, 366(A) and 34 of Indian Penal Code.

3. The prosecution case in short is to the effect that
the daughter of the informant was said to have gone to her
school but she did not return and later the informant came to
know that Pradeep Kumar the peititoner has kidnapped her
daughter.

4. The learned Senior Counsel for the petitioner
submits that the petitioner has falsely been implicated in this
case and as it would be evident from the perusal of the FIR the



incident is stated to have happened on 19.01.2024 however, the FIR was registered on 23.01.2024. Learned Senior Counsel has further submitted that the entire story has been concocted and has been given a picture of kidnapping however, from the statement of the victim under Section 164 Cr.P.C. it would be evident that she was living in Bangalore for a period of more than two months and she was rescued by the family members from the said place. The learned Senior Counsel has also pointed out that there are contradiction in the very statement of recovery of the victim because at one place it was stated that she was recovered from the platform and at the other in her 164 Cr.P.C. statement she has stated she was recovered from Bangalore. She has also drawn the attention of this Court towards the Aadhar Card which has been brought by way of Annexure-P2 from the perusal of which, it is clear that the said victim was of 21 years of age and she was not a minor. Lastly, it has been submitted that the petitioner is in custody since 15.06.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner is the person who had kidnapped the victim and had taken her forcibly towards the said place and from the perusal of the statement made under Section 164 Cr.P.C. it is evident that the victim has



supported the factum of kidnapping.

6. Considering the aforesaid submissions made by the parties and specially taking into account the fact that there seems to be some confusion with regard to the age of the victim and also considering the fact that the victim is stated to have been kidnapped by the petitioner and kept for more than two months and there is nothing in the case diary to suggest that the victim had taken any steps to flee from the clutches of the petitioner. It has also been noted that there is confusion with regard to the age of the victim taking the same into account, let the petitioner be enlarged on provisional bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Lakhisarai in connection with Surajgarha P.S. Case No. 41 of 2024, which shall be subject to the verification of the age of the victim by a specially constituted Medical Board which shall submit its report within a period of two months.

7. The learned Court below is directed to call for such Medical Board and once the same is constituted and it verifies the age of the victim and once it is confirmed that the victim is a major the bail granted shall be confirmed. It is noted that if the victim



denies to appear before the Medical Board in that eventuality the bail granted to the petitioner shall be confirmed and if the girl is found to be a minor the provisional bail granted to the petitioner shall lose its effect.

(Sourendra Pandey, J)

Raj Ranjan/-

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

