

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76874 of 2024

Arising Out of PS. Case No.-480 Year-2024 Thana- MAJHAULIA District- West Champaran

Jhulan Kumar Son of Sanjay Ram R/O Vill.- Bhanachak, P.S.-Majhauriya,
District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X(Imaginary name of Brother of the so called Victim) son of Hadi Hussain
R/O Satbhidwa, Ward no. 13, P.S.-Majhauriya, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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

ORAL ORDER

4 23-01-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Majhauriya P.S. Case No. 480 of 2024 instituted for the offence
under Sections 137(2), 96 & 3(5) of the Bharatiya Nyaya
Sanhita, 2023.

3. As prosecution case, accusation against the
petitioner is of eloping with the sister of the informant for the
purpose of marriage.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 12-09-2024. 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. There is delay of 27 days in lodging of the FIR. It is submitted that sister of the informant being major and was in courtship with the petitioner and had left the house out of her sweet will. Victim in her statement recorded under Section 183 of the BNSS, 2023 has negated the allegation of kidnapping and there is no allegation of sexual assault. Medical report suggests that victim is 17 weeks pregnant. Charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is contended that victim is minor and there is direct allegation against the petitioner of abducting the minor victim for the purpose of marriage.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no cogent material against 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 Majhauriya
P.S. Case No. 480 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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