

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77468 of 2024

Arising Out of PS. Case No.-1291 Year-2023 Thana- KHAGARIA District- Khagaria

Kanhaiya Kumar Jha, Son of Ravindra Jha, Resident of Village - Bela Simri,
P.S. - Khagaria (Gangaur), District - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bablu Singh, S/o- Wakil Singh, R/o Village- Kashimpur, P.S.- Muffasil,
Dist.- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Singh, Advocate
For the State	:	Md. Nazir Ansari, APP
For the Informant	:	Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Khagaria P.S. Case No. 1291 of 2023, registered for the alleged offence under Sections 363, 366(A), 341, 323/34 of the Indian Penal Code.

03. As per prosecution case, the petitioner forcibly kidnapped the minor daughter of the informant and the informant showed his suspicion that the petitioner and the co-accused might commit murder of his daughter after committing indecent acts.

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 16.12.2023 and the FIR has been lodged on 21.12.2023 without any explanation for delay and this shows the afterthought of the informant. The victim girl has been recovered and her statement under Section 164 Cr.P.C. has been recorded wherein she stated that she was in love with the petitioner for more than a year and both of them eloped after this fact came to the knowledge of her family. The victim girl specifically stated that she herself went away from her house and went to Patna where she solemnized her marriage with the petitioner in a temple on 18.12.2023. The learned counsel further submits that the victim girl was not examined by any medical board for assessment of her real age and though from her matriculation certificate, she is aged about 16 years, she appears to be a major. The learned counsel further submits that she refused to undergo any medical examination. The petitioner is in custody since 01.08.2024 and charge sheet has been submitted. The petitioner is having clean antecedent.

05. Learned A.P.P. as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that the victim is a minor girl



and her consent is immaterial. The police submitted charge sheet under Sections 363/366(A)/341/323/34 of the Indian Penal Code and Section 8 of POCSO Act.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the voluntary nature of act of the victim girl and also her age when a girl develops sufficient maturity and further considering the delay in lodging the FIR and also considering the submission of charge sheet, period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/court concerned, in connection with Khagaria (Gangaur) P.S. Case No. 1291 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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