

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85878 of 2024

Arising Out of PS. Case No.-268 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Rahul Kumar S/O Harendra Mahto @ Gauri Mahto @ Harinder Mahto
Resident Of Village- Sambhupur, P.S- Sarai, Distt.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shital Das S/O Late Saryug Das R/O Village- Bajitpur Dhobightti, P.S- Hajipur Sadar, Distt.- Vaishali at Hajipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

3 09-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Hajipur Sadar P.S. Case No. 268 of 2022 for the offence under Sections 366A and 34 of the I.P.C.

3. As per the prosecution story, the informant has alleged that on 11.04.2022, her granddaughter, went to answer the call of nature but she did not return for a long time. He started searching for her granddaughter. Thereafter, he came to know that all the F.I.R. named accused persons have kidnapped her granddaughter for the purpose of trafficking. When he went to the house of the accused persons, then they abused him.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. All the allegations made in the F.I.R. is totally false, fabricated, and concocted. There is inordinate delay of two days in lodging the F.I.R., without any plausible explanation. The alleged incident took place on 11.04.2022 whereas the F.I.R. was instituted on 13.04.2022. From perusal of the F.I.R., it appears that the informant has given the age of the victim in his application as 17 years but the reality is that the victim is major. The victim girl willingly left her house with the petitioner and expressed her desire to marry with him and she voluntarily married with the petitioner. Now the couple is living their conjugal life very happily.

5. Learned APP opposes the prayer for bail.

6. From perusal of the statement of the victim recorded under Section 164 Cr.P.C., it appears that at the time of her statement she was major and this fact also find support from the F.I.R. also because in the F.I.R. itself the age of the victim girl is mentioned as 17 years on dated 11.04.2022 and statement has been recorded on 13.03.2023 in which she has stated her age about 18 years so it appears to be correct and bona fide. In her statement she has clearly stated that Rahul Kumar (petitioner)



was residing in her neighbour and she wanted to marry with Rahul Kumar and solemnised her marriage in temple. After going through the entire statement of the victim, it clearly transpires that there is nothing against the petitioner. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 268 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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