

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83773 of 2024

Arising Out of PS. Case No.-231 Year-2024 Thana- BYPASS District- Patna

Sahil Kumar S/o- Late Kanahai Kumar Sah Resident of- Bahri Begampur,
Near Jagdeo Park, P.S.- Bypass District- Patna

... .. Petitioner

Versus

1. The State of Bihar
2. Anita Devi Wife of Dinanath Kumar Resident of- Bahri Begampur, , P.S.-
Bypass Than, District- Patna

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Madhav Raj, Advocate
For the Opposite Party	:	Mr.Nand Kumar, APP
		Mr.Vikash Kr. Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 22-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Bypass

P.S. Case No. 231 of 2024 registered for the offences under

Sections 363 & 366A of the Indian Penal Code.

3. The petitioner is named in the First Information

Report and is in custody 10.06.2024.

4. Allegation against petitioner is to kidnap the

minor daughter of the informant aged about 14 years for the

purpose of illicit intercourse or seduced/forced her to enter

into marriage with another person.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that as per statement of the victim recorded under section 164 of the Cr.P.C., it is apparent that she accompanied with the petitioner out of her own sweet-will for solemnizing her marriage with the petitioner.

6. It is submitted that statement further reveals that she solemnized marriage in Mahavir Temple in Patna, but she was apprehended by her mother on 09.06.2024.

7. It is submitted that from the said statement, it is clear that nothing wrong/sexual assault was committed upon her and taking note of said fact, even she was not subjected to medical examination. It is further pointed out that the matter now compromised between the parties.

8. While concluding argument, it is submitted by learned counsel that it is neither a case of kidnapping nor penetrative sexual assault, as alleged for.

9. Learned A.P.P. for the State duly assisted by Mr. Vikash Kumar Jha, learned counsel appearing for the informant, while opposing the prayer of bail of the petitioner, submitted that the daughter of the informant was minor at the time of occurrence and she was about 15 years as her



date of birth as per school register was 14 years 2 months.
Learned counsel also approved the factum of compromise between the parties.

10. Considering the factual submissions as mentioned above and by taking note of the fact as the victim, while recording her statement under section 164 Cr.P.C., *prima facie* denied the occurrence as kidnapping as well as also regarding sexual assault, coupled with the fact that petitioner remains in custody since 10.06.2024 i.e. more than one year, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Patna/concerned court, in connection with Bypass P.S. Case No. 231 of 2024, subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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