

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86685 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- SAHODARA District- West Champaran

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Raja Kumar @ Raja Sarkar Son of Sri Rajesh Sarkar Resident of village-
Sirkahiya, P.S.-Lauriya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi Wife of Sri Parimal Modi Resident of Village- Pipra Colony,
P.S.- Sahodara, Distt.- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma, Adv
		Mr. Hemant Ray, Adv
For the State	:	Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 04-08-2025 Heard learned counsel for the petitioner and learned
counsel for the OP.No.2 and learned APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under sections 363, 366A, 504/34
of the Indian Penal Code.

3. The allegation in the FIR is that the daughter of the
informant was kidnapped by two accused persons including the
petitioner on the point of pistol and was forcibly taken away on
motorcycle.

4. Learned counsel for the petitioner submits that the
entire story of kidnapping is not correct and as a matter of fact



there was a love affair between the victim and co- accused Ritesh Pal and she had gone along with him voluntarily on her own consent. It has also been submitted that the age of the victim girl has also been indicated as 17 years which is almost on the verge of majority and hence, she was mature enough to take her own decision. The present case is one of consensual relationship between the victim and the co-accused Ritesh Pal. After recovery, the statement of the victim girl has been recorded under section 180 of the BNSS wherein she has clearly stated that she was in a relationship with co-accused Ritesh Pal and she had left on her own volition and the petitioner is not even named in the said statement.

5. The learned counsel for the O.P.No. 2 however opposes the prayer for bail and also makes a submission that the recovery of a victim girl has been made only after the intervention by the Patna High Court in Cr. Writ Jurisdiction and also the present bail application.

6. This court is deeply concerned as to why the investigating agency have not put all their efforts for recovery of the victim girl, who was traceless since 23.06.2024 and only after the intervention of a co-ordinate Bench of this Court as also this Court, the said recovery has been made after



constitution of SIT.

7. Considering all the above mentioned facts and circumstances, Let the above named petitioner, in the event of his arrest/ surrender within a period of four weeks from today, 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 the learned court below where the case is pending/ successor court in Sahodara P.S.Case No. 62 of 2024, subject to condition as laid down under section 438(2) of the Cr.PC and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

8. Personal appearance of the I.O is dispensed with.

(Soni Shrivastava, J)

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