

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89619 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- KHAJAULI District- Madhubani

Gulshan Kumar, aged about 21 years, Male, son of Hans Raj Yadav @ Hansa,
resident of Village- Baheta, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramod Kumar, aged about 38 years, S/O Ram Chandra Yadav, R/O Village-
Baheta, P.S- Khajauli, Distt.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Vinod Kumar, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Khajauli PS Case No.189 of 2023 dated 04.10.2023, instituted
under Sections 363, 366-A/34 of the Indian Penal Code.

3. The allegation against the petitioner is that he
kidnapped the minor daughter of the informant either for the
purpose of marriage or illegal works.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is further submitted that the occurrence took place on



21.09.2023 but the FIR has been lodged on 04.10.2023 after delay of thirteen days. The victim has been recovered on 05.11.2023. The victim was examined by the Medical Board and the according to physical and pathological examination, no medical evidence of sexual assault was found at the time of examination and the age of the victim was assessed as 19 years by the Medical Board. Learned counsel further submits that the victim gave her statement under section 164 Cr.P.C. and stated that she has solemnized marriage with the petitioner in a temple and the parents of the petitioner has accepted the marriage but her parents has not accepted the marriage. When the victim came to know about the case filed by her father then she came to Madhubani from Delhi and then the police took her into custody. Learned counsel further submits that the informant has again filed a case vide Khajauli PS Case No.149 of 2024 under Sections 341, 323, 366-A, 504, 506 of the Indian Penal Code on 19.02.2024 for the same cause of action. Lastly, it is submitted that the petitioner has no criminal antecedents except this case and the another case filed by the informant for the same cause of action.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ VI cum Special POCSO, Madhubani, in Khajauli PS Case No.189 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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