

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46970 of 2014

Arising Out of PS.Case No. -35 Year- 2014 Thana -PIRPAINTI District- BHAGALPUR

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Mithun Mandal S/o Late Bindeshwari Mandal Resident of Village
Mirzapur, P.S. Kahalgaon, Ghogha, District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3. 03.03.2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in Pirpainty P.S. Case
No. 35 of 2014 dated 03.03.2014 instituted under Sections
363/366A/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
though as per the allegation, he along with another co-accused
are said to have enticed the minor daughter of the informant
for the purposes of marriage but there is no coercion as the girl
herself has gone with the petitioner and they had married
which would be apparent from Annexure-4, which is a copy of
the affidavit of the girl dated 05.03.2014 accepting such fact.
Learned counsel submits that the medical report of the girl
discloses that she is aged over 18 years and that after living for
two and a half months with the petitioner, she has been

recovered by the police. It is further submitted that the medical examination has revealed that the girl was carrying pregnancy of nine weeks five days and thus the relationship between the two was that of husband and wife. Learned counsel submits that the petitioner being innocent and having no criminal antecedent is in custody since 09.05.2014.

Learned A.P.P. submits that in view of the pregnancy of the girl, the petitioner be directed to accept her as his wife.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on provisional 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 S.D.J.M., Bhagalpur in Pirpainty P.S. Case No. 35 of 2014.

The Senior Superintendent of Police, Bhagalpur shall conduct an enquiry as to whether the so called victim girl has married the petitioner and whether she wants to live with him as his wife and further if there is a child born to her, the same is from the petitioner. If the girl is still ready to live with the petitioner as his wife, all efforts would be taken to formalize the relationship. The Court shall then fix a date in the case where both the petitioner and the girl shall appear before it and the petitioner shall then give an undertaking to the Court that he shall keep the girl along with the child, if

any, with him with full dignity, honour and security and shall also take care of all their needs. Upon the same being done, the bail granted to the petitioner shall be confirmed. If the petitioner refuses to accept her as his wife despite the girl being willing to live with him, the bail granted to the petitioner shall be deemed to be cancelled and the petitioner shall be taken into custody after cancelling his bail bonds. If, on the other hand, the girl refuses to live with the petitioner, his bail shall be confirmed.

The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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