

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18766 of 2015

Arising Out of PS.Case No. -220 Year- 2014 Thana -BIHRA District- SAHARSA

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Guddu Thakur. Son of Sudishth Thakur. Resident of Village - Barahser,
P.S.- Bihra, District - Saharsa.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Kalyan Shankar (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-06-2015

Heard learned counsel for the parties.

The petitioner faces prosecution for offence under sections 363, 365, 366A of the Indian Penal Code with an specific allegation that it was the petitioner who had enticed and taken away the victim Subham Kumar @ Priyamda Choudhary for marrying her.

The said Subham Kumari @ Priyamda Choudhary has already been recovered and in her statement under section 164 Cr.P.C. she has supported the petitioner to the extent that she had voluntarily gone with the petitioner to Deoghar and had entered into marriage.

Let it be noted that while giving her statement u/s 164 Cr.P.C. she had also claimed to be a student of B.A. Part I and the learned counsel for the petitioner also points out that even though

the court may have ascertained her age as 17 years on the basis of either matriculation certificate but then the doctor in her medical report has found her age above 18 years.

Additionally Mr. Surendra Kishore Thakur, learned counsel for the petitioner, has also pointed out that even today it is the petitioner who is having his relationship as a husband and wife with the aforementioned Subham Kumari who is staying only with him in his house. Mr. Thakur submits that the petitioner has no intention to desert much less cause any sort of problem to Subham Kumari in future and that he would stand by his marriage entered into with Subham Kumari.

Considering all these aspects and the fact that the petitioner has got no criminal antecedent, this Court would direct the petitioner, Guddu Thakur, to surrender before the court below within a period of four weeks from today and if he does so, he shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Bihra P.S.Case No. 220/2014 subject to the following conditions:

- (i) The petitioner shall give a written undertaking that he will never desert/ harass his wife Subham Kumari in any manner and if he does so, his present bail on a written

complaint by Subham Kumari before the court below shall be immediately cancelled.

(ii) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

surendra/-

(Mihir Kumar Jha, J)

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