

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33081 of 2014

Arising Out of PS.Case No. -210 Year- 2013 Thana -JAGDISHPUR District- BHAGALPUR

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Md. Haider @ Md. Haidar, Son of Md. Alim, Resident of Village - Puraini
Kashgadi Tola, P.S. - Jagdishpur, District - Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Jha, Adv.

For the Opposite Party : Mr. Rita Verma (APP)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 04-02-2015 The petitioner figured as an accused in

Jagdishpur P.S. Case No.210/13, on the file of Chief

Judicial Magistrate, Bhagalpur, for the offence

punishable under Sections- 363 and 366A of I.P.C.

The allegation against the petitioner is that he

kidnapped the daughter of the complainant. The case of

the petitioner is that he married the daughter of the

complainant out of free will and when his father was

arrested, he filed regular bail application through Cr.

Misc. No.13124 of 2014 and the same was allowed

through order dated 26.5.2014.

Apprehending arrest, the petitioner filed

A.B.P. No.1498/2014 in the court of learned Sessions

Judge, Bhagalpur. The learned Judge rejected the

application through order dated 10.7.2014. Hence, this application for grant of anticipatory bail under Section-438 of Cr.P.C.

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

This not a case of kidnapping in the ordinary sense of term. Even according to the complainant, the petitioner took the daughter of the complainant and married her. The question as to whether a minor can perform marriage is a different aspect. As such, this court is convinced that the petitioner deserves to be granted anticipatory bail. The application is allowed.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur, in connection with Jagdishpur P.S. Case No.210/13, corresponding to G.R. No.3089/2013, subject to the conditions laid down under Section-438(2) of Cr.P.C.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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