

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48446 of 2015

Arising Out of PS.Case No. -460 Year- 2015 Thana -SITAMARHI District- SITAMARHI

1. Monu Kumar @ Monu Raj son of Shambhu Sah, resident of Village-Sautiniya, P.S. Parihar, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Pradip Nr.Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 04-12-2015

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Sitmarhi (Punaura (O.P.) P.S.Case No. 460/2015, G.R. No. 2125/2015 registered for the offence under section 363, 366 (A)/34 of the I.P.C.

Allegedly, Juhi Kumari @ Sobha Shalini aged about 15 years, Bhagini of the informant was kidnapped by the petitioner with an intention to marry with her. During investigation, the victim was released and in her statement recorded under Section 164 Cr. P.C. stated that she performed marriage with the petitioner out of her own will and she lived like as wife and husband.

Submission is that the victim girl was having love affair with the petitioner and she went with the petitioner out of own sweet will and married with him in Janki temple. The doctor,

who has examined has assessed her age about 15 to 16 years and as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. Opposes the prayer for bail by submitting that the victim girl has been found minor, aged about 15-16 years by the doctor.

In the facts and circumstances stated above, considering that after investigation, charge sheet has been submitted and the victim girl went out of her own sweet will and married with the petitioner and as such the petitioner Monu Kumar @ Monu Raj, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi (Punaura O.P.) P.S.Case No. 460/2015, G.R. No. 2125/2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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