

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18741 of 2015

Arising Out of PS.Case No. -135 Year- 2014 Thana -BABUBARHI District- MADHUBANI

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Viru Yadav. Son of Gangai Yadav. Resident of Daura, P.S.- Babubarhi,
District - Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-365, 366(A) and 34 of the Indian Penal Code, Section-3(1-xii) of SC, ST Act and Section-4 of POSCO Act, this Court having perused the statement of the victim girl, Vinita Kumari under Section-164 of Cr. P.C as also her alleged statement before the police under Section-161 of Cr. P.C., is of the view that a minor girl not aged above 14 to 15 years was sought to be enticed away by the petitioner of marrying her though she had already been married earlier to one Bishundeo Ram on 26.05.2013. Thus the entire story of love affair of the



petitioner with Vinita Kumari prior to her marriage would not make much headway specially when the petitioner in paragraph no. 11 of the bail application has completely given up the story of love affair and has scribe motive that the girl in question namely, Vinita Kumari had falsely implicated him because he had given her money and wanted that money back. Paragraph no. 11 of the bail application, reads as follows:-

“That during the course of investigation it has come has that further of the victim had taken some rupees in the marriage of the victim and did not return against to the petitioner and petitioner asked for his money from the informant and his further many times but it was not return and on this it was many times to not talked between the informant and the petitioner hence the aforesaid false case has been lodged against the petitioner.”

In that view of the matter, this Court having found that now the life of Vinita Kumari is at cross roads because her marriage solemnized on 26.05.2013, has neither been dissolved nor the petitioner appears to be keen to marry Vinita Kumari, if she gets divorce from her first husband.

Considering all these aspects, this Court is not

inclined to grant the privilege of anticipatory bail to the petitioner and the prayer for grant of anticipatory bail to the petitioner is hereby rejected.

Nothing said in this order, however, will come in the way of the petitioner in surrendering before the Court below and praying for regular bail.

At the stage of considering the prayer of regular bail of the petitioner the Court below may consider the approach and attitude of the petitioner for restoring the glory and honour to Vinita Kumari and if some sort of settlement can be possible in presence of Vinita Kumari and her husband namely, Bishundeo Ram, village Nandarhi, P.S. Ladania, District Madhubani, the petitioner may be granted regular bail on the terms and conditions to be decided by the Court below.

(Mihir Kumar Jha, J)

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