

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45493 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -SURSAND District- SITAMARHI

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1. Punjay Giri S/o Srikant Giri Resident of village - Bharchawa P.S. -
Runnisadipur, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State.

This application is for grant of anticipatory bail for the
offence under Sections 363 and 366 (A)/34 of the Indian Penal
Code.

The allegation against the petitioner is of kidnapping the
victim girl, Richa Kumari.

It has been submitted on behalf of the petitioner that
the statement of the girl has been recorded under Section 164
Cr.P.C. and she has stated in the court below itself that she
married with the petitioner on her sweet-will and she wants to live
with him.

Heard learned A.P.P. also.



From perusal Para-6 of the impugned order, it appears that the learned court below has directed the petitioner to appear along with the victim girl before the court below and to pray within a period of four weeks and the court below, if satisfied that petitioner and the victim have performed marriage voluntarily and they are living together happily, and the victim girl is major, the court below will release the petitioner on provisional bail to his own satisfaction for a period of six months and will monitor the relationship every month by calling both wife and husband, and in the event, the court below is satisfied that both the petitioner and the victim girl are living happily, and the victim girl makes no complain against the petitioner during the period of monitoring about committing physical and mental torture, the court will confirm the provisional bail of the petitioner to his own satisfaction in accordance with law, after six months.

In my opinion, there is nothing wrong in the aforesaid observation of the court below and in view of the facts as stated above, I am not inclined to grant anticipatory bail to the petitioner rather the petitioner is directed to surrender before the court below and the court below will consider the aforesaid aspect of the matter and if satisfied, the court below will release the petitioner on provisional bail and will monitor the conduct of the petitioner,



as stated above.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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