

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38176 of 2016

Arising Out of PS.Case No. -65 Year- 2016 Thana -SALKHUA District- SAHARSA

- =====
1. Mausam Bhagat @ Mausam Kumar Bhagat, son of Dinesh Bhagat
 2. Dinesh Bhagat, son of Nago Bhagat
 3. Poonam Devi, wife of Dinesh Bhagat

All residents of Village- Kasimpur, Police Station- Salkhua (O.P. Banma Itahari), District- Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Smt. Asha Kumari, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 19-09-2016

Heard Sri Uday Chand Prasad, learned counsel for the petitioners and Smt. Asha Kumari, learned Addl. Public Prosecutor.

Three petitioners, who are brother, father and mother respectively of one Alok Bhagat, have approached this Court for grant of anticipatory bail in connection with Salkhua P.S. Case No.65 of 2016 registered for the offence under Section 366A, 372, 34 of the Indian Penal Code.

It was submitted by learned counsel for the petitioners that though in the F.I.R. the informant had alleged that her daughter aged about 16 years was abducted by all the petitioners for the purpose of marriage, during investigation the statement of victim girl was recorded under Section 164 of the



Code of Criminal Procedure before the learned Magistrate. While recording her statement, the victim had disclosed her age as 18 years and the learned Magistrate had also assessed her age as 18 years. Learned counsel for the petitioners has brought on record certified copy of the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. By way of referring to her statement, it has been argued that the victim girl had gone voluntarily with the son of petitioner nos.2 and 3 for the purpose of marriage and she has already solemnized marriage in Tis Hazari Court. In view of statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, it was submitted by learned counsel for the petitioners that the victim girl being major was entitled to solemnize marriage with the son of petitioner nos. 2 and 3 and she has solemnized marriage. Accordingly, a prayer is being made for extending the privilege of anticipatory bail to the petitioners.

Smt. Asha Kumari, learned Addl. Public Prosecutor has vehemently opposed the prayer for anticipatory bail.

However, considering the facts as disclosed in the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, which has been brought on record, the Court is satisfied that it is a fit case for extending the privilege

of anticipatory bail. Accordingly, let the aforesaid three petitioners, namely, (i) Mausam Bhagat @ Mausam Kumar Bhagat (ii) Dinesh Bhagat and (iii) Poonam Devi , in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Salkhua P.S. Case No.65 of 2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

NKS/-

U		T	
---	--	---	--