

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10555 of 2016

Arising Out of PS.Case No. -113 Year- 2014 Thana -ITADHI District- BUXAR

Deepak Kumar @ Deepak Kumar Roy son of Murlidhar Roy @ Murlidhar
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-03-2016 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 366A/379/34 of the Indian Penal Code.

Prosecution case is that the informant's son Dipu Kumar was married with Sunita Devi on 07.03.2014 and Sunita Devi came to the matrimonial house on 08.03.2014 when on 26.03.2014, the petitioner Deepak Kumar along with two unknown persons entered into the house of the informant and eloped with Sunita Devi, who also took ornaments and clothes

with her.

It is submitted by learned counsel for the petitioner that in 164 Cr.P.C. statement the victim Sunita Devi got her age recorded as 22 years when the learned Court below assessed her age as such wherein she has stated that she was married with the son of the informant against her wishes, she was in love with the petitioner from before and she called the petitioner and went with her without taking anything from the matrimonial house. The victim has also stated that the petitioner did not know that she has already been married with the son of the informant. In view of 164 Cr.P.C. statement of the victim Sunita Devi, the offence under section 366A IPC is not made out and so far as the offence under section 379 IPC is concerned it is alleged against Sunita Devi. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that in view of 164 Cr.P.C. statement no offence under section 366A IPC is made out, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, preferably on the same day, if the petitioner surrenders within a period of six weeks in connection with Itarhi P.S. Case No.113/2014, pending before the learned

CJM, Buxar.

With the above observation, this application is,
accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

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