

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29129 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -AKBARNAGAR District- BHAGALPUR

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1. Rakesh Kumar Singh @ Rakesh Kumar son of Khublal Singh Resident of Village- Zahoor, Police Station- Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda -Advocate

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore-APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 25-07-2016

Heard learned counsel for the petitioner as well as

learned APP for the State.

Kajal Devi is the alleged victim aged about 19 years as disclosed by herself. She has further disclosed that she happens to be a married lady and has a son aged about eight months.

In the aforesaid background, it has been alleged that while informant was staying at her Sasural, one Karu Mandal came, who was known since before and further, offered to visit Ghogha whereupon she accompanied Karu Mandal who took her to Ghogha where they stayed at the house of Upendra Mandal. Then thereafter, she was taken to waiting room at Ghogha station by Karu Mandal and Upendra Mandal where she met with one woman and a man. Thereafter, they returned back. At about 11:00 P.M., Upendra had offered to visit Olapur Temple whereupon, Karu and Upendra took her to Olapur Temple where the aforesaid man and woman were present. Then thereafter, Karu and Upendra



forcibly got her married with the aforesaid person who disclosed his identity as Rakesh Kumar Singh, petitioner and further the woman disclosed her identity as Veena Devi @ Gauri Devi. While she was being carried over tempo, raised alarm attracting the persons whereupon they have been apprehended. Statement of informant has also been recorded under Section 164 Cr. P.C. (Annexure-3) wherefrom it is evident that she had deflected from the earlier version by stating that Pushpa Devi brought her to Naugachia Bazar from Kursela where they met with Karu who took them to Ghogha and got stayed at the house of Upendra Mandal. Karu Mandal had realized Rs. 35,000/- from one person belonging to Muzaffapur and then forcibly got her married with the aforesaid person. Thereafter, she along with Pushpa Devi were kept at the house of Bhabhi of the aforesaid boy. On the following morning, when Pushpa Devi tried to take her from that place, the Bhabhi of aforesaid boy caught hold of her and did not permit. Thereafter, Pushpa Devi informed her mother and came to his place along with her mother, son. During midst thereof, she was taken to Bhagalpur where during course of transit, she raised alarm and was apprehended.

Considering the assertions made by the informant under her Fard-e-beyan as well as under Section 164 Cr.P.C., it is evident that petitioner himself appears to be victim of fraud and

that being so, considering his detention since 09.04.2016, petitioner, Rakesh Kumar Singh @ Rakesh Kumar is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri Anjani Kumar Srivastava, Additional Chief Judicial Magistrate, Bhagalpur in connection with Akbarnagar PS Case No. 39/2016.

(Aditya Kumar Trivedi, J)

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