

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2312 of 2017

Arising Out of PS.Case No. -208 Year- 2016 Thana -SURSAND District- SITAMARHI

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1. Raju Kumar Son of Tej Narayan Rai, R/o Village- Bakhari, P.S.-
Sursand, District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-09-2017 Heard the parties.

The appellant seeks regular bail in connection with Sursand P.S.Case No.208 of 2016, registered for offences punishable under Sections 363, 366(a) of the Indian Penal Code and Section 3(2)(v)(a) of SC/ST (Prevention of Atrocities Act) Act.

Allegation against the appellant is of kidnapping the minor girl of the informant and marrying her.

Submission of the learned counsel for the appellant is that he has been falsely implicated in this case as a matter of fact he has solemnized marriage and she has also supported the factum of the marriage with the appellant in her statement recorded under Section 164 Cr.P.C. It is further submitted that the



medical report shows that she is not a minor.

Heard learned Special P.P. and the learned counsel for the informant. They have opposed the prayer for bail stating that the appellant is married from earlier with some other woman and thereafter he has kidnapped the girl and married with her and she is a minor girl.

Having heard both sides in view of the above facts and circumstances, I am not inclined to make any comment on age of the girl but the Doctor has found her age to be 19-20 years and further she has not supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C. The charge-sheet has also been submitted.

In such view of the matter, this appeal is allowed.

Let the appellant above named, be released on bail on furnishing bail bonds of Rs.25,000 (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri P.K. Lal, J.M., Pupri, Sitamarhi in connection with Sursand P.S.Case No.208 of 2016 after setting aside order dated 3.7.2017 passed by the learned 1st Additional Sessions Judge, Sitamarhi in Sursand P.S.Case No.208 of 2016, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be local person having sufficient immovable property within



the jurisdiction of the concerned Court.

(ii) The appellant will not induce any witness or tamper with the evidence.

(iii) The appellant shall co-operate in the disposal of trial and make himself available as and when required by the court concerned and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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