

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24147 of 2017

Arising Out of PS.Case No. -171 Year- 2015 Thana -PANDARAK District- PATNA

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Nageshwar Rajak @ Nago Rajak Son of Late Sheo Rajak, Resident of
Village- Mekara, P.S.- Mokama, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kiran Kumari, W/o Shambu Ram, Resident of Village- Mamarkhabad,
P.S.- Pandarak, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath

For the Opposite Party/s : Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 25-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest in
connection with Pandarak P.S. Case No. 171 of 2015 registered
for offences under sections 363 and 365 of the Indian Penal Code
and later on added Sections 366 and 366A of the Indian Penal
Code.

As per allegation, the minor girl was kidnapped by the
petitioners and others and she was taken by Chandan Kumar and
Shambhu Kumar and there Chandan Kumar had threatened for the
consequence unless she entered into marriage, under threat she
entered into marriage, the brother of Shambhu, namely, Pintu gone



to Surat and brought her back which is the statement of girl. As per own statement of the girl she is 12 years of age but the assessment shown to be 13 years.

Learned counsel for the State submits that there is a marriageable age, she was minor, the consent does not have meaning in the eye of law.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner, namely, Nageshwar Rajak @ Nago Rajak is rejected.

If the petitioner surrenders before the court below within a period of six weeks from today and prays for bail, the court below, on the day of surrender itself, will pass orders in accordance with law without being prejudiced by this order.

(Shivaji Pandey, J)

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