

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.156 of 2017

Arising Out of PS.Case No. -84 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Shashi Bhushan Kumar, S/o Parmod Rai, R/o Village- Govindapur, P.S.-
Kalyanpur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 28-02-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kalyanpur
P.S. Case No.84 of 2016 registered under Sections 363, 366(A)
and 120(B) of the Indian Penal Code.

The accusation is of kidnapping the victim girl by this
petitioner with the help of Manjay Rai, Pramod Rai and Baliram
Yadav.

Learned counsel appearing on behalf of the petitioner
submits that, in fact, there was love affair in between the petitioner
and the victim. The petitioner and the victim left the house
according to their own sweet will and went to Delhi and stayed



there about two months. In course of returning from Delhi, the petitioner and the victim were apprehended by the police at Railway Station, Lucknow. The victim, in her statement under Section 164 of the Code of Criminal Procedure, stated about her kidnapping by this petitioner and three other accused, named in the F.I.R., on the pressure of her family members but she has not stated about committing rape on her by other accused, while she stated about committing rape on her by this petitioner and conceiving pregnancy. It is further submitted that, in fact after reaching to Delhi, the victim performed the marriage with this petitioner converting her religion and marriage deed was also prepared in that regard by the Notary Public at Delhi. Further submission is that at the time of recording of the statement of the victim, her age has been assessed as 17 years. The petitioner is in custody since 26.07.2016 and the police, after investigation, submitted the chargesheet.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IX, Motihari, in connection with Kalyanpur P.S. Case No.84 of 2016. Out of the two sureties,



one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner.

(Rajendra Kumar Mishra, J)

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