

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36221 of 2017

Arising Out of PS.Case No. -35 Year- 2017 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

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Anil Kumar Jaiswal @ Anil Kumar, S/o Late Harihar Prasad, Resident of
Village- Jiwdhara, P.S.- Pipara, District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Umesh Lal Verma

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

5 12-12-2017

Heard learned counsel for the petitioner and the learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Pipra Kothi P.S. Case no. 35 of 2017, registered under Sections 376,
496 and 120B of the Indian Penal Code.

The accusation is that marriage of informant was
performed with Sunil Kumar on 18.06.2010, when informant reached
at her matrimonial house then she found that her husband is impotent.
Thereafter, she wanted to disclose this fact to her parents, but her
father-in-law, mother-in-law and other family members told her to
keep mum on the assurance that her marriage will be performed with
this petitioner. Later on, informant developed physical relation with
the petitioner on which she was blessed with two children, but later on
family members of the petitioner expressed desire to marry the



petitioner to other place, while matter was raised in the Gram Kuchhari, where she was advised to lodge the case in the Court. Thereafter, she gave application before the S.P. in which she stated that petitioner is intended to marry with her.

Learned counsel for the petitioner submits that at the time of the marriage of the informant with Sunil Kumar, brother of the petitioner, the petitioner was aged about 14 years as his date of birth is 09.01.1996. Moreover, after birth of two children, the father's name of Himanshu Kumar, son of the informant is detailed as Sunil Prasad Jaiswal, brother of the petitioner. Further submission is that only to give undue pressure, the informant lodged the present case.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipra Kothi P.S. Case No. 35 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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