

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3171 of 2018

Arising Out of PS.Case No. -172 Year- 2017 Thana -NARHAT District- NAWADA

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1. Jitendra Paswan S/o Sri Banwari Paswan, R/o Village- Chhanaun, P.S.-
Rupoh, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kuber Pathak, Adv.
Dr. Anshuman, Adv.

For the Opposite Party/s : Mr. Satyendra Nr. Singh. APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 18-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Narhat (Sitamarhi) P.S. Case No. 172 of
2017 registered for offences alleged under Section 376 of the
Indian Penal Code.

Learned counsel for the petitioner submits that from
perusal of the F.I.R. itself it would appear that the informant, who
had two children out of her wed-lock, with one Shree Prasad had
been major and on her own desire established physical relationship
with the accused over the period, as the petitioner had promised
her to marry. In her statement under Section 164 Cr.P.C. which is



annexure-2 to the present application, she has stated before the learned Judicial Magistrate, 1st Class, Sitamarhi that her husband Shree Prasad was beating her and assaulted her causing head injury, thereafter, she left his place and started living with her father. She has further stated that about six months back, while she had taken her father for treatment at the clinic of Dr. Prabhakar Babu, she met the present petitioner and the petitioner called her, took her to a room, where he forcibly established relationship on the pretext of marriage, to which the informant agreed and both of them solemnized their marriage in the temple of Durga Ji near Nawada Station. She has further stated that she brought all these facts to the knowledge of her family and when they took her to the police station, she has stated under Section 164 Cr.P.C. that she wants to stay with the petitioner. In her statement before the learned Magistrate, she has therefore, stated about her consent and marriage. It is further submitted that in these circumstances, the further custody of the petitioner is not required and he may be released on bail subject to the terms and conditions.

Learned APP for the State though attempted to oppose the application, but in view of the statement of victim girl under Section 164 Cr.P.C., he could not press much resistance.

Considering the statement of informant under Section



164 Cr.P.C., let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawadah in connection with Narhat (Sitamarhi) P.S. Case No 172 of 2017 subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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