

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 49154 of 2018

Arising Out of PS. Case No.-18 Year-2018 Thana- Kaler District- Jehanabad

=====

Brijesh Kumar @ Brajesh Kumar, son of Dinesh Singh, Resident of Village-
Kodiyar, P.S.- Chori, District- Ara (Bhojpur).

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
For the Opposite Party/s : Mr. Satya Nand Shukla

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 18-08-2018 Heard Sri Nawal Kishore Singh, learned counsel for
the petitioner and Sri Satya Nand Shukla, learned Addl. Public
Prosecutor.

The sole petitioner, who is in custody in Kaler P.S.
Case No. 18 of 2018 registered for offence under Section
366(A) of the Indian Penal Code, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that the minor girl of the informant had eloped with one
Abhimanyu Kumar @ Mannu Kumar, who was none else but
class-mate of the victim, but subsequently a case was
developed, as if, the victim girl was carried by Abhimanyu to
the house of the petitioner at Ara. The petitioner is none else but
Fufa (maternal uncle) of Abhimanyu. It was alleged that the
victim with Abhimanyu stayed in the house of petitioner and



thereafter, petitioner went to see her off at railway station, Ara. Subsequently at Delhi, the victim was located by G.R.P. and she was produced before the Magistrate of Child Welfare Committee, Delhi. Learned counsel for the petitioner has drawn my attention to Annexure – 2 to the petition i.e. photocopy of the statement of the victim to show that victim herself had stated before the learned Magistrate, Child Welfare Committee, Delhi that since her father was forcibly solemnizing her marriage with another person, she had gone with Abhimanyu with her own will. It has been argued that thereafter, the victim was handed over to her parents and from the custody of the parents, she was produced before the learned Magistrate, Arwal after one week and her statement under Section 164 of the Cr.P.C. was got recorded on 14th May, 2018, in which, she alleged that Abhimanyu had forcibly put her on motorcycle and thereafter, he had carried her to his *Bua*'s house and this petitioner (*Fufa* of Abhimanyu) had gone to railway station for dropping the co-accused Abhimanyu as well as the victim. It has also been argued that even in statement recorded under Section 164 Cr.P.C. before the Magistrate at Arwal, the victim had not alleged that any untoward thing was done by Abhimanyu.

Learned Addl. Public Prosecutor has opposed the



prayer for bail.

However, considering the facts and circumstances, particularly the fact disclosed before the Magistrate, Child Welfare Committee, Delhi, I am of the opinion that it is a fit case for granting bail.

Accordingly, let the petitioner namely Brijesh Kumar @ Brajesh Kumar be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Arwal in connection with Kaler P.S. Case No. 18 of 2018.

(Rakesh Kumar, J.)

anay

U		T	
---	--	---	--

