

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43698 of 2018

Arising Out of PS. Case No.-18 Year-2018 Thana- PURANHIA District- Sheohar

Shatrughan Kumar @ Shatrughan Gupta, Son of Mohan Sah, R/o Village Harpur Pipra, P.S. Mejarganj, District Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-07-2018

Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 363 and 366A/34 of the I.P.C.

The prosecution case, as per the written report of Kamlesh Chaudhary dated 08.03.2018, submitted to S.H.O., Purnahiya Police Station is to the effect that on 07.02.2018, seventeen years old daughter of the informant, Anupma Kumari, was enticed away by the petitioner along with other co-accused Mohan Sah, Sangeeta Kumari, Kanahiya Sah, Ganesh Sah, Ram Kumar Singh, Hari Kishore Sah for the marriage purpose. It is further alleged that on 04.03.2018, the petitioner through mobile call threatened the informant to stop searching his daughter and when the informant went to the house of the petitioner, he was



threatened by the family members of the petitioner.

It is submitted by the learned counsel for the petitioner that for the occurrence of 07.02.2018, the FIR was lodged on 08.03.2018, whereas prior to lodging of the present case, the victim Anupma Kumari filed Complaint Case No.232 of 2018, dated 08.02.2018, claiming her date of birth as 12.02.1998. The victim on her own married with the petitioner. It is further stated that, initially, in that complaint, the victim was examined as on S.A., where she got her age recorded as twenty years and in the said complaint cognizance has been taken for the offences punishable under Sections 323 and 324 of the I.P.C. A statement has been in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the thrust of accusation is against the petitioner.

Considering the fact that the complaint has been filed after one month of alleged occurrence when the informant received a call from the petitioner on 04.03.2018, moreover, the case was lodged by the victim at an earlier point of time against the informant coupled with the statement being made in Para 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on



provisional anticipatory bail for the period of two months in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Sheohar, in connection with Purnahiya P.S. Case No. 18 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

The petitioner will produce the victim girl before the learned Court below on 13.08.2018, where if the victim admits that she married with the petitioner on her own then, the provisional bail of the petitioner will be confirmed by the learned Court below.

(Dinesh Kumar Singh, J)

Amrendra/-

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