

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63483 of 2017

Arising Out of PS.Case No. -44 Year- 2016 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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1. Prithvi Kumar, son of Lalan Rajak, Resident of village- Mirjapur, P.S.-
Chiksaura, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 12-03-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody in connection with Mahila P.S.
Case No. 44 of 2016 registered for the offence punishable under Sections-
376, 366(A)/34 in which, later on, Sections 365/368/370(iv), 34 of the
Indian Penal Code and Sections-4, 6, 8 of the POCSO Act.

The allegation against the petitioner is of commission of rape
upon the informant. The informant has supported the allegation in her
statement recorded u/S 164 Cr.P.C.

Submission of the learned counsel for the petitioner is that in
fact, the victim was married with the petitioner and parents of the victim
are witnesses and the affidavit has been sworn in support of marriage. The
petitioner has also filed an informatory petition against the victim and her
family members.



Considering the aforesaid facts, even assuming that this was a case of marriage with a minor girl, no case of kidnapping is made out for the purpose of this application.

Considering the aforesaid facts, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with the aforesaid case.

(Birendra Kumar, J)

A.K.V./-

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