

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.60486 of 2017

Arising Out of PS.Case No. -29 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Rakesh Kumar @ Rakesh Yadav S/o Sukhari Rai, R/o Village- Shankar Saraiya Munsiar, P.S.- Turkaulia, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 05-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Turkauliya P.S.

Case No. 29 of 2017 instituted for the offence under Sections
366A of the IPC.

In the written report, it is alleged that this petitioner has taken away the sister of the informant with purpose of marriage. The case diary has been received, wherein, the statement of the victim girl recorded under Section 164 Cr.P.C. is available. The victim girl in her statement stated that she has voluntarily performed marriage with this petitioner. She has stated her age in her statement as 20 years, whereas, the learned court has assessed her age as 18 years. The learned Sessions Judge in impugned order has mentioned that the victim girl was set free by court below on her sweet will and at present she is residing with the petitioner as his



wife.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Turkauliya P.S. Case No. 29 of 2017 to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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