

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.22897 of 2018**

Arising Out of PS. Case No.-979 Year-2017 Thana- SITAMARHI District- Sitamarhi

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1. Bhagwan Lal Rai @ Bhagwan Rai, Son of Bal Kishore Rai, R/o Village- Musharwa, P.S.- Sahiyara, District- Sitamarhi.
  2. Buddhan Kumar @ Budhan Rai, S/o Late Hita Rai  
At Present Both R/o Village- Sundarpur, P.S.- Sursand, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

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**Appearance :**

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| For the Petitioner/s :     | Mr. Ashok Kumar Jha, Advocate |
| For the Opposite Party/s : | Mr. Binod Kumar No.3, APP     |
| For the Informant :        | Mr. Mahendra Thakur, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      30-04-2018                      Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Sitamarhi P.S. Case No.979 of 2017, registered for the offence punishable under Sections 363 and 366A/34 of the Indian Penal Code.

Allegation has been made against the petitioners that they have kidnapped the victim and performed marriage with petitioner no.2.

The victim in her statement recorded under Section 164 of the Cr.P.C. claiming herself to be 20 years of age and stated that has entered into the marriage with petitioner no.2 voluntarily.



Learned counsel for the petitioners submits that the victim is major and as per her desire she entered into the marriage with the petitioner no.2, there was no pull and pressure for the marriage and inasmuch as the Magistrate has released the victim in favour of the petitioner no.2.

Learned counsel for the informant has vehemently opposed the bail of the petitioners and submitted that the birth certificate produced by the petitioners before the Court below is forged and fabricated one. However, the F.I.R. is not with respect to production of forged certificate but the girl itself stated in her statement that she has entered into the marriage with petitioner no.2 voluntarily and she wants to live with the petitioner no.2.

Looking to the entire facts and circumstances of the case, let the above-named petitioners, be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi P.S. Case no. 979 of 2017, subject to the condition as laid down under Section 438(2) of the Code of



Criminal Procedure. Further condition is that whenever the police will call the petitioners for the purposes of investigation and interrogation, they will remain present for the investigation. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled.

**(Shivaji Pandey, J)**

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