

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63646 of 2017

Arising Out of PS.Case No. -202 Year- 2017 Thana -KAKO District- JEHANABAD

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Bijay Chaudhary @ Vijay Chaudhary, Son of Late Ram Briksh Chaudhary,
resident of Village- Kako, Police Station- Kako in the district of Jehanabad.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Navin Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 10-01-2018

Heard learned counsel for the petitioner,

learned counsel representing the informant and the learned

A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Kako P.S. Case No. 202 of 2017 registered for the offence punishable under Sections 366(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that initially when the F.I.R. was lodged regarding missing of the daughter of the informant, it was stated that she was aged about 14 years and the accused petitioner who was aged about 19 years had taken away his daughter with intention to marry her, however, when the victim girl came back and got recording her statement under Section 164



Cr.P.C., she has categorically stated that she was aged about 19 years and the medical board which was constituted for assessing the age of the girl has found her aged between 17 ½ years to 18 ½ years.

It is further submitted that in her statement under Section 164 Cr.P.C. the girl has specifically stated that she had gone on her own volition and solemnized marriage with this petitioner at Paliganj from where she went to Rajkot. She also stated that she had come from Rajkot along with her mother-in-law, sister-in-law and the husband of the sister-in-law. She also expressed her desire to go back with her in-laws. It is stated that the girl is presently living in her *sasural* i.e. in the family of this petitioner.

Learned counsel for the State opposes the prayer for bail of the petitioner.

However, considering the facts and circumstances particularly that the victim girl has been assessed in between 17½ years to 18½ years by the Medical Board and she has made a categorical statement before the learned Judicial Magistrate, 1st Class, Jehanabad that she has solemnized marriage with this petitioner and wants to live with her in-laws, I do not find any reason to keep



this petitioner in custody at this stage.

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 15,000/- (Rupees fifteen thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-IV, Jehabanad, in connection with Kako P.S. Case No. 202/2017, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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