

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2138 of 2018

Arising Out of PS. Case No.-257 Year-2017 Thana- PURNEA SADAR District- Purnia

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Bishundeo Rajak, Son of Tettar Rajak @ Taitar Rajak, Resident of Village- Basdaha, P.S.- Dagarua, District- Purnea, at present Resident of C/o Deepak Kumar, Phabar Road, Zirakpur, Near Punjab National Bank House No. 202, Sector- 19, P.S. Zirakpur, Chandigarh, Haryana.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kumar Bishwas S/o Late Deo Narain Bishwas, R/o Basdaha, P.S. Dagarua, District-Purna
3. Roshni Kumari @ Rajnandni W/o Bishundeo Rajak, C/o Dipak Kumar, Zirakpur near Punjab National Bank, House No. 202, P.S. Zirakpur, Chandigarh, Pabhat Road, District-Mohaili

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal
For the Opposite Party/s : Mr. Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-03-2018 Heard Mr. Sudhanshu Kumar Lal, learned counsel for the petitioner and Shri Ashok Kumar, learned Additional Public Prosecutor for the State.

This is an application for grant of anticipatory bail in connection with Sadar (Purnea) P.S. Case No. 257 of 2017 registered for the offence punishable under Sections 363, 370 and 34 of the Indian Penal Code.

The allegation, according to the informant, who happens to be the father of the victim girl is that the petitioner herein had abducted the victim girl and had forcibly married with her.

The learned counsel for the petitioner submits that though



the petitioner had stated in her statement under Section 164 Cr.P.C. that she was forcibly taken away by the petitioner herein and others, however, she has also submitted that now since she has married the petitioner herein, she wants to stay with the petitioner. It is further submitted that the affidavit of the present petition has been sworn by the wife / victim girl and along with the affidavit her Aadhar Card has been annexed where her date of birth has been shown as 05.08.1999, hence it cannot be said that she was minor at the time of marriage. It is further submitted that both the husband and the wife i.e. the petitioner herein and the opposite party no. 2 are present in the Court and according to Mr. Lal, the learned counsel for the petitioner, they are living happily.

It is agreed at bar that the interest of justice would be served if the petitioner and the victim girl solemnize marriage before the Registrar under the provisions of the Special Marriage Act and obtain a certificate to the said effect whereafter they would submit the same before the concerned Court within a period of three months from today.

In view of the aforesaid suggestion, it is directed that the petitioner and the victim girl shall solemnize marriage under the provisions of the Special Marriage Act and submit a certificate



issued by the Registrar of Marriage, as provided for under the Act, before the concerned Court within a period of three months from today.

In view of the aforesaid, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Sadar (Purnea) P.S. Case No. 257 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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