

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14474 of 2019

Arising Out of PS. Case No.-195 Year-2018 Thana- DALSINGHSARAI District- Samastipur

NITISH KUMAR Son of Ram Pukar Rai Resident of Village - Makdampur,
P.S.- Dalsingsarai, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr. (Dr.) Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-04-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Dalsingsarai P.S. Case No.
195/2018, instituted for offences under Section(s) 363 and 365
of the Indian Penal Code read with Section 5/6 of Child
Marriage Restrain Act, 1929.

It is alleged in the written report that on the date of
occurrence son of informant, aged about 17 years, was taken by
this petitioner along with his brother-in-law from Dalsingsarai
to Bachhawara and in conspiracy with other co-accused,
namely, Pawan Kumar Rai @ Chhotu and Pankaj Kumar Rai
have performed marriage of the son of informant with Khusboo
Kumari, daughter of Pramod Rai.

Case diary has been received. The victim boy has



given statement under Section 164 Cr.P.C., which is available in paragraph 34 of case diary, wherein the victim boy has nowhere stated that marriage was performed with Khusboo Kumari. He has mainly stated that he was taken to Begusarai and was kept in a room where some persons came and gave him food. They told the victim boy that he is taken for performing marriage. Thereafter they took the victim boy on motorcycle towards west of N.H. and committed mar-pit with him due to which he became unconscious. Later on he found himself in the house of Pramod Rai, from where he was recovered by the police.

In para 7 of case diary mother of the victim has given statement before the police that this petitioner in conspiracy with other accused persons has performed marriage of her son with Khusboo Kumari.

This Court finds that victim himself has not stated that marriage has been performed. The boy has been recovered and his statement under Section 164 Cr.P.C. has been recorded, wherein it is alleged that he was kidnapped by this petitioner for performing marriage with the daughter of Pramod Rai. The victim has supported the aforesaid allegation in his statement.

Petitioner is in custody since 07.10.2018.

Considering the aforesaid facts and circumstances,



prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional Chief Judicial Magistrate 1st, Dalsingsarai**, in connection with **Dalsingsarai P.S. Case No. 195/2018**, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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