

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16736 of 2019

Arising Out of PS. Case No.-421 Year-2018 Thana- FATUA District- Patna

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Sugriv Kumar son of Late Yogendra Prasad, Resident of village- Raipur
Balwa, P.S. Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 17-06-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered under Sections 363 and 366/34 of the Indian Penal
Code.

Petitioner is said to have kidnapped the minor
daughter of the informant in association of his mother and wife.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. Petitioner
has been falsely implicated in the case. The victim in her
statement recorded under Section 164 Cr.P.C. has submitted
that she had eloped with the petitioner as her parents had
performed her marriage with aged person. She has performed
marriage with the petitioner and enjoying her conjugal life in



Delhi. Hence the petitioner deserves bail.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that the victim happens to be minor and medical report of the victim indicates her age as 14-16 years. Hence consent of the victim for her marriage and subsequent cohabitation of conjugal life is not material. Hence the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.

However, petitioner is directed to surrender before the learned court below within six weeks and seek regular bail and the learned court below shall dispose of the bail petition in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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