

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29834 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- DUMRAO District- Buxar

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PANKAJ KUMAR YADAV @ KHATAI Son of Anil Kumar Yadav @ Anil Kumar Singh Resident of Village - Nawadera, P.S.- Dumraon (Naya Bhojpur O.P.), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar
For the O.P.No.2	:	Dr. Kamal Deo Sharma, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 13-05-2019 Heard learned counsel for the petitioner, learned counsel for informant and the learned APP for the State.

The petitioner seeks bail in connection with Dumraon (Naya Bhojpur) P.S. case no. 37 of 2019/GR. No. 284 of 2019 instituted for the offence under Section(s) 341, 323,504, 506, 366A/34 of the I.P.C.

Victim girl, namely, Archana Kumari is physically present in Court today.

As per prosecution case, daughter of the informant, namely, Archana Kumari had gone for call of nature with her mother and, in the mean time, petitioner arrived on vehicle along with some criminals and got the victim seated in the vehicle and fled away with the girl.



Learned counsel for petitioner submits that victim girl is a major. She has already performed marriage with petitioner and living in her *sasural*. He further submits that informant had earlier filed a case vide Dumraon P.S. case no. 271 of 2018, wherein, the victim girl has appeared before the Magistrate and given her statement U/s 164 Cr.P.C., wherein, she has stated that she has gone with this petitioner and has performed marriage.

Learned counsel for petitioner submits that instant case has been filed by the informant again just to harass the petitioner. The victim girl is living with petitioner in her *sasural*.

Today, the victim has appeared in Court. She has stated that she has performed marriage with petitioner and living with him. She has stated her age to be 20 years.

The counsel for the informant has appeared and opposed the prayer for bail. He submits that as per Medical report the age of the victim is 16 to 17 years. In the earlier statement recorded U/s 164 Cr.P.C. on 12.7.2018 in Dumraon P.S. case no. 271 of 2018 the victim has stated her age to be 19 years and the Court has assessed her age to be 19 years.

Petitioner is in custody since 8.3.2019.

Considering the aforesaid, 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 CJM, Buxar, in connection with Dumraon (Naya Bhojpur) P.S. case no. 37 of 2019/GR. No. 284 of 2019 subject to the condition that both the bailors shall be the close relative of the petitioner.

It is made clear that petitioner will file affidavit in the Court below at the time of filing bail bond that he will keep the victim with full care and dignity and in the event of any complaint made by the victim with regard to misbehavior and torture committed by the petitioner, his bail bond in instant case will liable to be cancelled.

(Sanjay Priya, J)

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