

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37027 of 2019

Arising Out of PS. Case No.-593 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

SUSHIL KUMAR GUPTA, aged about 25 years, Gender-Male, S/o Chhattu Sah @ Chhathilal Sah R/o village- Ramapali, P.S.- Siwan (Muffasil), District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-06-2019 Heard both sides.

The petitioner apprehends his arrest in Siwan(Muffasil) P.S. Case No.593 of 2018 registered under Sections 366(A) and 34 of the Indian Penal Code.

The informant disclosed in his written application that Mukesh Kumar, Sushil Kumar Gupta(the petitioner), Tarkeshwar Sah, Khushboo Kumari, Kamlawati Devi and Urmila Devi kidnapped his daughter on a four-wheeler.

The learned counsel for the petitioner submits that in fact, informant is not an eye witness of the occurrence. The occurrence is alleged to have taken place in the early morning of 19.10.2018 but the informant gave his written application on 22.10.2018. The victim came and made her statement under



Section 164 Cr.P.C. The victim disclosed her age about 19 years. The Court also assessed the age of the victim to be 19 years. The victim disclosed that she voluntarily left her house and went to Punjab along with Mukesh Kumar. She solemnised marriage and she also carrying pregnancy. Nobody kidnapped her. The statement of the victim itself shows that the victim is a major girl and she was not kidnapped by any person rather she voluntarily left her house and got married with Mukesh Kumar.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siwan(Muffasil) P.S. Case No.593 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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