

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55454 of 2018

Arising Out of PS. Case No.-50 Year-2018 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Mithilesh Devi, wife of Sri Dinesh Jha, resident of Village - Harinagar,
Pachchmi Tola, P.S. - Kusheshwar Asthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13, Adv.
Mr. Rohit Kumar, Adv.

For the Opposite Party/s : Mr.Sri Nand Kishore Pd, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-01-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner, in the present case, is apprehending her
arrest in connection with Kusheshwar Asthan P.S. Case No. 50
of 2018 registered for the offences punishable under Sections 9,
10 and 11 of the Prohibition of Child Marriage Act, 2006.

The allegations contained in the FIR are that the
informant Puja Kumari, aged about 15 years, she along with her
mother had gone to her Nanihal on 21.02.2018. On 02.303.2018
she returned to her village home. It is alleged that on 04.03.2018
the petitioner came to the courtyard of the informant and
accompanied her mother and grand-mother and in the night all
the accused persons accompanied the victim girl to Mahadev



Temple situated at Kusheshwar Asthan and they forcibly performed her marriage with co-accused Shankar Jha.

Learned counsel for the petitioner submits that the only allegation against this petitioner is that she accompanied with the mother and grand-mother of the informant, there is no allegation that the petitioner had put any force upon the informant to solemnize the marriage with her son. It is submitted that Section 11 of the Prohibition of Child Marriage Act, 2006 contemplates that no woman shall be punished with imprisonment and in course of investigation no independent witness has supported the allegations.

Learned APP for the State is present and has opposed the prayer for bail.

Considering the nature of the allegations and the submissions, this Court directs that in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Biraul, District-Darbhangha in connection with Kusheshwar Asthan P.S. Case No. 50 of 2018, subject to the condition that petitioner shall join



the investigation by reporting to the Investigating Officer within a period of three weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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