

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52795 of 2019

Arising Out of PS. Case No.-63 Year-2019 Thana- CHANPATIA District- West Champaran

AWDHESH SINGH S/O Chandrama Singh Resident of Village- Dhadhawa,
P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 27-08-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 366A/34 of the Indian Penal
Code.

Allegation against the petitioner is of
kidnapping of a minor girl. The victim in her written application
sent to the Superintendent of Police of the district has stated that
she was not kidnapped by anyone rather she had voluntarily
married with the petitioner.

Learned counsel for the informant opposed the
prayer for bail on the ground that the victim was a minor girl,
hence, she was incompetent to give consent for marriage or
otherwise .



However, it is not disputed that even a minor is a competent witness to say that no offence has been committed against her.

Considering the letter of the victim at Annexure-3 written to the Superintendent of Police, Bettiah on 29.03.2019, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Chanpatiya Police Station Case No.63 of 2019, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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