

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81015 of 2019**

Arising Out of PS. Case No.-458 Year-2019 Thana- MADHEPURA District- Madhepura

BASANT KUMAR Son of Gajadhar Sah, Resident of Village-Kamalpur
Mandal Tola, P.S-Madhepura (Ghailadh O.P), District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh
For the Opposite Party/s : Mr.Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 10-12-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection with Madhepura (Ghailadh O.P.) P.S. Case No. 458 of 2019 for the offence punishable under Sections 363, 366(A) and 34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having kidnapped the victim girl, however, subsequently, the petitioner is stated to have solemnized marriage with the victim girl and they are stated to be staying as husband and wife.

The learned counsel for the petitioner submits that a bare perusal of the statement of the victim girl under Section 164 Cr. P.C., recorded by the learned Magistrate, would show



that the victim girl is 18 years old and she was voluntarily staying with the petitioner herein, after solemnizing marriage with him, hence there is no complicity of the petitioner in the alleged crime. It is further submitted that the petitioner is having a clean antecedent and at the moment, the petitioner is staying with the victim girl as husband and wife.

Having regard to the facts and circumstances of the case, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner above named is directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Ghailadh O.P.) P.S. Case No. 458 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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