

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71468 of 2018

Arising Out of PS. Case No.-144 Year-2017 Thana- VAISHALI District- Vaishali

NITESH KUMAR @ NITESH SINGH, son of Lalan Singh, resident of
Village- Haharo, P.S. Vaishali (Belsar O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anish Chandra, Advocate
For the Opposite Party/s :	Mr. Pradeep Narain Kumar, APP
For the Informant :	Mr. Dilip Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 19-02-2019 Heard learned counsel for the petitioner and learned
APP for the State as well as counsel for the Informant.

Petitioner seeks bail in **Vaishali (Belsar OP) P.S.**

Case No.144 of 2017 instituted for the offence under Section(s)
323, 341, 366-A, 383, 504/34 Indian Penal Code, Section 27 of
the Arms Act and Section 3/4 of the Dowry Prohibition Act.

It is alleged in the complaint filed by the
Complainant, which was sent to P.S. under Section 156(3)
Cr.P.C., that her daughter, Rupa Kumari, has been kidnapped by
the petitioner and his other family members with a view to
perform her marriage with the petitioner.

Counsel for the petitioner submits that victim girl has
been recovered. She has given statement under Section 164
Cr.P.C., which is enclosed as Annexure-3. The victim in her
statement under Section 164 Cr.P.C. has stated that she had been



kidnapped by the petitioner on bike and she was taken to Silliguri. The petitioner performed marriage with her. She has stated that after performing marriage she was brought by this petitioner to his house. She was assaulted in the house. Thereafter, she was taken to Delhi by this petitioner. She became pregnant, but medicine was given to her and bleeding took place. She has further stated that, now, the petitioner is not ready to keep her.

The victim in her statement recorded under Section 164 Cr.P.C. has stated her age as 19 years. The Doctor on her examination has found her to be 18 years old. From the statement of the victim girl, it will appear that victim girl had lived with the petitioner and she also became pregnant.

The counsel for petitioner submits that petitioner on being released on bail will take serious steps for reconciliation to keep the victim with him or to any other conditions agreeable to both parties.

Counsel for the informant has appeared and opposed the prayer for bail. He submits that this petitioner has performed marriage with the victim after kidnapping her and, now, he is totally neglecting her.

Keeping in view the fact that both the parties i.e. petitioner and victim lived together and the victim became



pregnant, this Court is of the view that both were knowing each other.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Vaishali at Hajipur**, in connection with **Vaishali (Belsar OP) P.S. Case No.144 of 2017**, subject to the condition that both the bailors shall be close relative of the petitioner.

The petitioner will file an undertaking before the Court below at the time of furnishing bail bond that on being released on bail he will make sincere efforts for reconciliation with the victim to keep her with him with all dignity and care or to any other conditions agreeable to both parties.

The victim will be at liberty to take appropriate action for cancellation of bail bond of the petitioner in the event the petitioner does not adhere to the undertaking given by him in the Court at the time of his release.

(Sanjay Priya, J)

J. Alam/-

U		T	
---	--	---	--

