

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.3046 of 2020

Arising Out of PS. Case No.-378 Year-2019 Thana- DIGHA District- Patna

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Kamlesh Kumar Son of Sri. Janak Rai Resident of Mohalla- Shakti Nagar,
Kurji, Balupar, P.S.- Digha, District- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party

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Appearance

For the Petitioner : Mr. Navjot Yeshu, Adv.

For the State : Mr. Mithilesh Kumar Khare, APP.

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CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

4 27.05.2020

Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner who is in custody since 7.11.2019 has filed the instant application for grant of regular bail in connection with Digha P.S. Case no. 378 of 2019 registered under sections 365 and 34 of the Indian Penal Code.

As per allegation in the FIR, the daughter of the informant secretly entered into a love marriage with the petitioner, years back. It is further stated that on the informant's son going to get his sister, the accused persons did not let her come. It is further stated that on the informant's wife going to meet her daughter, the in-laws of their daughter abused her and stated that now her daughter was not there and on enquiry he was told that she had been



sent up. It is finally stated that inspite of all efforts the whereabouts of her daughter could not be ascertained.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are all false and concocted. The petitioner never solemnized marriage with the daughter of the informant. The only time that the petitioner was married was to one Chhoti Kumari daughter of one Umesh Rai on 24.6.2019, copy of invitation card of which has been brought on record as Annexure-2 to the petition. It is further submitted that even in course of investigation the witnesses namely, Sunita Devi, Jawahar Lal, Munni Devi, Akhilesh Rai ('samdhi' of the informant), Devendra Kumar, Vijendra Rai besides others in their statement under section 161 Cr.P.C have all supported the contention of the petitioner. It is finally submitted that the petitioner has no criminal antecedent and is in custody since 7.11.2019.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances as stated above, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Digha P.S. Case no. 378 of 2019 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna.

(Partha Sarthy, J)

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