

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13149 of 2020**

Arising Out of PS. Case No.-183 Year-2018 Thana- BATHNAHA District- Sitamarhi

PREM KUMAR @ PREM PASWAN S/o Lalbabu Paswan Resident of
Village - Harpur Bhalha, P.S. - Bathnaha, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava (APP)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 10-07-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Bathnaha P.S. Case No. 183 of 2018, disclosing offences
under Sections 363, 366(A)/34 of the Indian Penal Code.

The mother of the victim is the informant, who
described the victim to be a minor in the F.I.R. She alleged that
the victim had been kidnapped for the purpose of marriage.
Statement of the victim has been recorded under Section 164 of
the Cr.P.C., a copy of which has been brought on record by way
of Annexure-2 to this application, in which, she has deposed that
the petitioner and the victim had got married and parents of the
petitioner have concealed the petitioner somewhere. It seems



that the alleged victim had approached helpline of Women Development Corporation under Government of Bihar, alleging domestic violence.

Learned counsel appearing on behalf of the petitioner has submitted that no case under Section 366A of the Indian Penal Code can be said to be made out, in view of the statement of the alleged victim recorded under Section 164 of the Cr.P.C. He has further submitted that there is a dispute as to whether the marriage was solemnized or not.

Be that as it may, on reading of the F.I.R. and the statement of the victim under Section 164 of the Cr.P.C., in my opinion, a case for grant of anticipatory bail is made out, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 learned C.J.M., Sitamarhi in connection with Bathnaha P.S. Case No. 183 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of criminal Procedure.

This is subject to the condition that the petitioner



shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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