

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17158 of 2020

Arising Out of PS. Case No.-2 Year-2018 Thana- MEHUSH District- Sheikhpura

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SHAMBHU KUMAR Son of Sulan Ram @ Surendra Ram Resident of
Village-Bikkam, P.S. and District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 02-12-2020 The learned counsel for the parties were
heard at length yesterday and today, the instant
case has been listed under the heading for orders.

This is an application for grant of anticipatory
bail in connection with Mehush P.S. Case No. 2 of
2018 registered for the offence punishable under
Sections 365 and 366A/34 of the Indian Penal
Code.

The allegation against the petitioner, as
mentioned in the FIR is that the daughter of the
informant, Poonam Kumari, had gone to tuition but
she did not return to her house. It has further been
alleged that after two days, the informant received
an information on her mobile that Shambhu Kumar



and Chandan Kumar have kidnapped the daughter of informant from village Ramnubigha.

The learned counsel for petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner, by referring to Annexure-2 to the present petition, has submitted that there was a love affair going on in between the petitioner and the victim girl, nonetheless, they have entered into marriage alliance and have sworn a joint affidavit to the effect. It is further submitted that the victim girl and the petitioner are living peacefully as husband and wife.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having heard the learned counsel for the parties and having considered the materials available on record as also the case diary in question, this Court is of the view that the petitioner can be granted the privilege of anticipatory bail, subject to the learned court of



Additional District and Sessions Judge 1st, Sheikhpura in connection with Mehus P.S. Case No. 2 of 2018, verifying the factum regarding marriage having been solemnized by the petitioner with the victim girl as also ascertaining the fact as to whether the victim girl is major or not and further subject to such conditions as may be deemed fit and proper to be imposed by the learned court below, for the purposes of grant of anticipatory bail. It is further directed that anticipatory bail shall be granted to the petitioner only in case, it is found, upon inquiry, that the victim girl is major and marriage has been solemnized in between the petitioner and the victim girl.

It is also directed that the petitioner and the victim girl shall appear before the learned court below within a period of four weeks from today so that the learned court below can make appropriate enquiry, as such I direct that for a period of four weeks, no coercive steps shall be taken against the petitioner herein.

The present petition stands disposed of on



the aforesaid terms.

(Mohit Kumar Shah, J)

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