

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19159 of 2020

Arising Out of PS. Case No.-356 Year-2019 Thana- KHARHAGPUR District- Munger
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BIRAN SAH @ PRABHAKAR KUMAR S/o Baldev Sah Resident of Village-
Bageshwari, Police Station-Kharagpur, District-Munger.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh
Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 24-11-2020 Heard Mr. Vikramdeo Singh, learned counsel for

the petitioner and Mr. Md. Ataur Rahman, learned APP for

the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Kharagpur P.S. Case No. 356 of

2019 dated 09.10.2019 instituted for the offence under

Sections 341, 323, 366A, 370, 504, 120B/34 of the Indian

Penal Code.

The petitioner is alleged to have kidnapped the

daughter of the informant for the purposes of marrying her.

However, learned counsel for the petitioner has



drawn the attention of this Court to her statement under Section 164 Cr.P.C., in which she has stated that she got married to the petitioner on her own volition and desired to go to her husband i.e. the petitioner. In the aforesaid statement, she has disclosed her age to be 19 years. Learned counsel for the petitioner has further submitted that the Court has assessed her age to be 17 years, whereas, in medical examination, the victim was assessed to be 16 to 17 years of age.

Learned counsel for the petitioner has also stated that the prosecution side has offered a certificate of the minority of the victim but such certificate was never produced before the Investigating Agency. He, therefore, submits that the self assessment of the victim of her age needs to be accepted, at least for the purposes for grant of anticipatory bail as a voluntary statement was made by her before the Magistrate that the evidence of her marriage with the petitioner was removed by her parents and that she wanted to join the petitioner as his legally wedded wife.

In any view of the matter, considering the



aforesaid facts, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J-I, Munger, in connection with Kharagpur P.S. Case No. 356 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure

(Ashutosh Kumar, J)

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